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The New REPUBLIC

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WHAT GOOD ARE THE DEMOCRATS?

The Editors

ON THE PLUS SIDE . . .

OBAMA HAS REMADE THE STATE IN MORE WAYS THAN YOU CAN IMAGINE
John B. Judis

And

LEARNING TO LOVE THE IMPERIAL PRESIDENCY
Jack Goldsmith

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[1] Press conference on U.S. climate change proposals at Bella Center, Copenhagen, Denmark, December 17, 2009. Video recording of Sen. Kerry's full statement on file at American Clean Skies Foundation.

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THE NEW REPUBLIC

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Obama in the Balance

How does this president handle a crisis? Thus far, the answer is not at all encouraging. The current crisis is the election in Massachusetts of Scott Brown, now the forty-first Republican senator. His arrival in Washington has sent Democrats into panic mode—fearful that they too will be swallowed by a seething electorate—and caused many of them to flee in the other direction from health care reform. In short, Barack Obama faces a moment where his presidency just might collapse or, rather, risks heading into a wilderness where it would accomplish next to none of its ambitious goals.

For generations, health care reform has been a signature cause of liberalism—a campaign to redress a great moral failing of our democratic capitalist order, and a unique failing of our system when judged next to its peers in the industrialized world. Never before has a Democratic president inherited more propitious circumstances for advancing reform to fruition. And, although liberals might have griped as reform plodded its way through the various fiefdoms of the Senate, a monumental bill ultimately emerged, an impressive work of consensus that survived the interest-group ringer and the annoying maneuverings of Senators Ben Nelson and Joe Lieberman. Congress was one or two perfunctory roll-call votes away from sending a bill to Obama's desk. That's when Brown won his upset, instantly making the distance the bill needed to travel to the president's desk seem unbearably immense.

But to squander this opportunity—after such intricate negotiation and so much expenditure of political capital—makes no rational sense. Abandoning health care now wouldn't render Democrats any less vulnerable. They have already taken tough votes in support of the measure; they just wouldn't have any tangible achievement to show for those votes. Defeat would set back the chances for meaningful reform for a generation. What Democratic politician would ever set foot in that graveyard again? And, after health care has stalled the rest of the president's agenda for a large swath of his first year, what grand accomplishment would he have to show for his time in office? The bill's defeat would rightly send his liberal base into a fit of depression—and it would send a dangerous message to his enemies that he will shy away from a fight on even his top priorities.

Health care reform must not be allowed to die—for the sake of the president and his party, and, more importantly, for the sake of the many millions of uninsured and everyone else who suffers under this terrible system. Yet, as we write, Obama has not yet risen to meet this existential threat to his presidency. The response of his White House has been slow-footed, at best, and thoroughly confused by any objective measure. With so much anxiety pouring over the Democratic Party, only strong presidential leadership can salvage things. We haven't yet seen anything like that. Let's set aside the fact that the White House should have been more alert to the impending loss of Ted Kennedy's seat. By the time Scott Brown gave his victory speech, Obama's advisers had a good grasp of their downward fortunes but seemed to have no strategy for reversing them. On election night, the airwaves were depressingly free of the presidential surrogates who should have been calming nerves and suggesting that this defeat would do nothing to forestall reform. Days passed and that message still had not arrived. Behind the scenes, the White House was floating a scaled-back alternative. All the while, the initiative continued to drift further away.

And now, we have arrived at a point where we can take the ultimate measure of Barack Obama. For much of the health care debate, he has been a relative bystander. This stance may have been the right approach for various stretches of the legislative grind. But now, we must see his mettle. Is he capable of asserting his will? Can he use his vaunted powers of communication to explain the virtues of reform? He must take ownership of the process and strong-arm the House, so that it comes to its senses and passes the Senate's version of the bill; and he must strong-arm the Senate, so that it promises to improve the bill through the budget reconciliation process. If Democrats are worth anything as a party, they will rally around their president. As much as any other issue, health care reform is their raison d'être. This is hardly an irremediable situation for Barack Obama. But, for the first time, we are nervous that he isn't up to the task. ◆

Robert Neubecker

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Panic!

Why Democrats need to take a deep, deep breath. Maybe two.

JONATHAN CHAIT

Democrats across the country are starting to wonder aloud if they misjudged the electorate over the last year, with profound ramifications for the midterm elections this year and, potentially, for Mr. Obama's presidency," wrote Adam Nagourney in *The New York Times* on January 17. A similar theme appeared that day in a *Washington Post* piece by Dan Balz, that paper's lead political analyst. The perception has formed, perhaps indelibly, that the reason Democrats will get hammered in the 2010 elections is that the party moved too far left in general and tried to reform health care in particular.

This perception owes itself, above all, to the habit that political analysts in the media and other outposts of mainstream thought have of ignoring structural factors. Any political scientist can tell you that external factors hold enormous sway over public opinion. Economic conditions tend to matter the most, but scandals, wars, personality, and other factors come into play. While the Democrats may have committed sundry mistakes, the reason for their diminished popularity that towers above all others is 10 percent unemployment.

But political analysts are more like drama critics. They follow the ins and outs of the tactical maneuverings of the players, and, when the results come in, their job is to explain how the one led to the other. If you suggested to them that they should instead explain the public mood as a predictable consequence of economic conditions, rather than the outcome of one party's strategic choices, they would look at you like you were crazy. They spend their time following every utterance and gesture of powerful politicians. Naturally, it must be those things that have the decisive effect.

If you believe that Democratic ideological overreach is the problem—"they thought the country was at a very different place ideologically," explains perpetually quoted Republican wise man Vin Weber—then you have to undertake the following thought experiment. Imagine that John McCain had won the 2008 election. (How? I don't know—maybe Obama was caught on tape singing "Kill Whitey" to himself in a private moment.) Would McCain have more popular support right now than Obama does, because the public really wants an agenda of smaller government and lower taxes?

That's not a very plausible scenario. Instead, most of the pundits want us to believe that Obama could have avoided a political backlash if only he'd taken a different course. Charlie Cook asserts that Obama made a "colossal miscalculation" by failing to focus on the economy but neglects to suggest what economic policies Obama could have proposed instead. *Time*'s Joe Klein has suggested an alternative course of action for the president. Obama should have been "pushing for stricter financial regulations and a tax on big banks to recoup the bailouts," Klein argues. "He should also revive his campaign pledge of a National Infrastructure Bank, which would take decisions about the most important new public works projects out of the hands of Congressional porkers. If Obama had done so in his first year, his approval ratings might be closer to 60% than to 50% today." This strikes me as giving the voters a bit more credit as policy wonks than they deserve.

It's hard to imagine any non-trivial economic policy Obama could have embraced that would have gained any Republican support. We don't have to speculate about this—there's a good case study at hand of a policy proposal embraced by Obama that enjoys strong support among right-of-center economists and provides clear economic benefits. It's called his stimulus plan. More than one-third of it consisted of tax cuts. A consensus of economic forecasters believes it has substantially aided the economy, and even conservative economists like American Enterprise Institute's John Makin agree. Yet that stimulus provoked a massive Republican outcry and provided no public-opinion boost to Obama.

What's actually surprising about public opinion is not how much has changed since 2008, but how little. Obama's approval rating in the latest *Washington Post*/ABC poll, 53 percent to 44 percent, nearly matches his 2008 vote total. He still enjoys a massive edge in trust over congressional Republicans. That Democrats are suffering from a voter backlash anyway just shows how mechanistically public opinion can behave.

The establishment's tendency to ignore structural forces is a thoroughly bipartisan one. (And, for the record, I also object to it when candidates I agree with win. After the 2008 election, I wrote, "In reality, no president ever truly has a mandate, in the sense of the electorate voting for him as if his entire platform were a ballot initiative. Candidates' platforms play a role in who wins elections, but so do economic conditions, scandals, the candidates' personalities, and the Election Day weather in Philadelphia.")

The difference between the parties is that Republicans ignore the establishment's advice. After Obama's election, conventional wisdom insisted that the GOP would have to move to the center. Instead, the party moved farther right. And, whatever the policy merits, it has worked politically. If Republicans had cooperated more with Obama, it would have given him bipartisan accomplishments and made him even more popular.

The GOP's ability to ignore establishment nostrums in the face of defeat is its great electoral strength. Democrats, by contrast, have a congenital tendency to panic. Abandoning health care reform after they've already paid whatever political cost that comes from voting for it in both houses would be suicide. Even though Martha Coakley lost in Massachusetts, the House could pass the Senate bill as is, avoiding the need to break a filibuster, and tinker with it in a reconciliation bill that can't be filibustered. The only thing preventing the Democrats from following through is sheer panic.

Remember the classic scene in *It's a Wonderful Life*? Facing a run on his building and loan, George Bailey tries to explain to his frantic customers how to look after their self-interest. "Don't you see what's happening?" he pleads, "Potter isn't selling. Potter's buying! And why? Because we're panicking and he's not." President Obama's great challenge right now is to be his party's George Bailey. ◆

TRB
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The Mall

The Scribbler

Tucker Carlson's latest venture will not be televised. Thank goodness.

If you're a journalist, chances are you've had some pretty low moments in the last few years, as your industry has imploded all around you. But, in your darkest hours, you were always able to console yourself with one thought: At least I'm not Tucker Carlson.

Just consider his bad run. It started in October 2004, when Jon Stewart went on CNN's "Crossfire," co-hosted by Carlson, and accused the show of "hurting America," while making fun of Carlson's trademark bow tie and calling him a "dick"—all to the laughter and applause of the studio audience. A few months later, Carlson left CNN and "Crossfire" was canceled. He resurfaced on MSNBC, where, now sans bow tie, he hosted his own show; but the new neckwear didn't seem to make a difference, and, after three time slots (late night, late afternoon, and early evening) and two names ("The Situation With Tucker Carlson" and "Tucker"), his program was canceled before it reached its third birthday. Adding insult to injury, according to Carlson, the entourages of two of "Tucker"'s final guests, Marion Barry and Al Sharpton, made off with the champagne that he had ordered to commemorate the last show.

But there may have been no lower moment for Carlson than the one he experienced in September 2006, when he became a contestant on the reality-TV show "Dancing With the Stars." His friends and colleagues begged him not to do the show. *It's career suicide*, they told him. *You run the risk of becoming another Jerry Springer*. But Carlson ignored their advice, and, in the weeks leading up to the show, he practiced four hours a day with his professional dance partner—only taking a break to go to Lebanon to cover the Israel-Hezbollah war. And then, after all that, Carlson lasted only one episode—becoming the first contestant to be eliminated, five episodes before Springer himself was cut from the show.

More than three years later, Carlson is still defending his "Dancing With the Stars" turn, if not his dancing ability. "Oh, I loved it," he insists, professing that his recent trajectory has not bothered him in the slightest. "I never take the long view on my own career. I don't even know that I have a career or have ever had one—and I'm not sure I would ever want one."

It's a Tuesday morning in mid-January, and he's sitting in his office at his new professional home, a D.C.-based website called *The Daily Caller*, which, at that moment, is just a little more than 24 hours old. The brainchild of Carlson and his old Trinity College roommate, a former Dick Cheney aide named Neil Patel, *The Daily Caller* boasts 21 employees, $3 million in financing from a conservative businessman, and, according to Carlson, the straightforward mission of publishing "stories that add to the sum total of known facts about politics and government."

If that sounds like a fairly traditional journalistic enterprise, it is. And that's because Carlson is, at heart, a fairly traditional journalist—and an excellent one at that. It may be hard to remember now, staring back through the thick haze of cable-news smackdowns, but, before Carlson embarked on a TV career—and, at various points, even during that TV career—he was a great writer and reporter. His 1999 profile of George W. Bush for Tina Brown's short-lived *Talk* painted a portrait of the then-Texas governor—stubborn, profane, callow—that should have told voters everything they needed to know about why he would be such a terrible president. The piece he wrote for *Esquire* about traveling to Africa with Sharpton, Cornel West, and other civil rights activists was at once viciously hilarious and bracingly humane, like David Foster Wallace's or Michael Lewis's best reportage. At *The Weekly Standard*, where he worked for much of the 1990s, he was one of the rare writers less consumed with scoring political points than producing quality journalism.

Which is what was so painful about Carlson's recent travails—if not for him, then for those who admired his writing and reporting. Indeed,

David Cowles

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the very qualities that made him such a good print journalist are what made him such a lousy TV one. Although he is undoubtedly a conservative, his conservatism is of the libertarian (and therefore frequently unpredictable) variety. This has often led him to be out of sync with more lockstep conservative commentators—whether on the Iraq war (which, after initially supporting, he turned against one year after the invasion) or gay marriage (which he favors). And his almost preternaturally good nature was often no match for the paranoia and bombast of other cable-news talkers. In a medium that rewards extreme opinions and partisan allegiances, Carlson was an increasingly bad fit.

Worst of all, Carlson's TV career prevented him from doing the sort of journalism he does so well. "You either can't travel because you're tied to a show, or, when you do travel, you're accompanied by a huge entourage of people and a lot of gear," he says. "The process of making TV requires you to be in one place and plan every movement."

Thankfully, those days are over. Carlson is keeping a foot in the TV world, with a contract to serve as a commentator on Fox News (the network that, back when he was working at CNN, he deemed "a mean, sick group of people"). But his primary job will be as editor of *The Daily Caller*, which he envisions becoming a right-leaning *Huffington Post*. To that end, he has striven for a mix of articles, ranging from blanket coverage of Scott Brown's election in Massachusetts to a Golden Globe fashion report written by notorious Republican dirty-trickster (and notorious dandy) Roger Stone. Most promising, Carlson intends to use the site for long-form writing of his own.

His one feature-length effort so far, an investigation into the third alleged White House gate-crasher, Carlos Allen, reminded him of why he got into journalism in the first place. "I interviewed a lot of people. I was talking to a friend of mine who said, 'Oh, you've got to talk to this guy,' so I called him and he said, 'Come over to my house,' and I went over to his house, and it was a completely bizarre scene. It was totally off-the-record, so I can't quite describe it, but he had a very unconventional living situation, let me just put it that way, and I spent a couple hours in the guy's bedroom. It was so interesting. The point is, I really miss that."

In a speech he gave at last year's Conservative Political Action Conference, Carlson pleaded with conservative journalists to forsake punditry in favor of reporting and, taking *The New York Times* as a model, "to go out there and find what is happening . . . not just interpret things they hear in the mainstream media, but gather news themselves." Although that plea was met with a chorus of boos, Carlson holds out hope that conservatives will come around to his point of view—and that he won't have to compromise his site's standards too much to lure readers. Sitting in his office as he chomps on a piece of Nicorette, he confesses his biggest fear: "You could wind up with a page only about porn, executions, and Sarah Palin every day."

JASON ZENGERLE

Not reading Erich Segal made you a cultural freak.

Erich Segal Z"L

My friend, the polymath who wrote Love Story.

I MET ERICH SEGAL in 1959, in a Harvard University graduate-school dorm. It was in Richards Hall, designed in the early '50s by Walter Gropius, which Erich said only proved that "great men" could do desultory work. He was doing his graduate work in classics and comparative literature, and I in government. Of course, he knew more, much more, about my field than I did about his. In fact, he was rapacious in his pursuit of knowledge. And cheerfully intent about music and song. He was a man of traditional culture . . . but—no, with him, it is "and"—he wrote the screenplay for the Beatles' *Yellow Submarine*, as well as for several of his own books: *Love Story*; *Man, Woman and Child*; *Oliver's Story*. No one who has read *Love Story* will ever forget it; it is more memorable than the film. And, if you are of a certain age, please don't deny reading it. If you didn't, you were a cultural freak.

Erich wrote several books of classical scholarship (on Plautus, Roman comedy, Caesar Augustus, Greek tragedy, others) while he was at Yale and, intermittently, at Princeton and Harvard, Oxford and Tel Aviv. I once asked someone I knew (quite well) in his Yale department why Erich had not received tenure. "We were jealous, all of us jealous, including me." I despised that man for his righteous and unashamed admission of envy. By the way, Erich was a brilliant teacher. I know; I half-audited one of his Harvard classes. And I sat at his dinner table, riveted and pondering.

We were sitting in a London lunch spot, a restaurant Erich had specially chosen—near Brown's Hotel, as I recall. The menu was mainly sandwiches, a strange choice for Erich, who was rather indulgent with fine food. He was having trouble simply holding his sandwich. Then, still not explaining, we walked across Piccadilly to Turnbull & Asser on Jermyn Street, "by appointment to His Royal Highness, the Prince of Wales, shirtmakers." I remember Erich taking out of a briefcase five shirts. "Will you please substitute snaps for buttons? Like before. Thank you, thank you." And he turned to me, saying, "I'm afraid I have Parkinson's."

I thought back to 1959 when, in the early hours, I would see him leave Richards Hall for one of his runs. Not occasional runs. Every morning. Ten miles. He was a small man but a lithe man, with muscled legs. I did not ask about his racing against himself. Maybe I am mixing up time and telling. But I think he told me then that he was coming to Cambridge for his twenty-fifth Harvard reunion, the class of 1958. And that he was nervous. He was working on his sixth novel, *The Class*, which chronicles the lives of five of his college classmates. Was he nervous about the book? About the judgments it made? Or about his nascent experience with a physically debilitating disease?

When I was in London, I saw him and his wife, Karen, in their gorgeous Hamp-

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stead Heath house. He was in decline. But sometimes also up and, sometimes, inevitably down. Trying this experimental drug and then that experimental drug. When I saw Erich at the bat mitzvah of one of his beautiful (and so rewarding) daughters, he could barely drag his legs together. But, when he was called to recite the *birkat hatorah* (the blessing on the Torah), his voice was strong, both stentorian and sweet. What strength it must have robbed from him.

I did not see him as often as I wanted. I was nervous, afraid, and I am ashamed. We communicated through intermediaries—people closer to him than I, I reassured myself, although I'm not sure this was true (even though it certainly became true).

Erich knew many languages. He had a love affair with Latin and Greek, maybe also with French. He had a historical connection to Hebrew that goes back 3,000 years. It, too, was a love affair. And he had a love affair with his people, the Jewish people, and with their incarnation in modern history, the state of Israel. Through the vapors of pain, he saw clearly the promise and the perils.

And this is what his daughter, Francesca, said at his funeral: "That he fought to breathe, fought to live, every second of the last thirty years of illness with such mind-blowing obduracy is a testament to the core of who he was—a blind obsessionality that saw him pursue his teaching, his writing, his running, and my mother with just the same tenacity. He was the most dogged man any of us will ever know."

The Z"L after Erich's name at the top stands for *zichrono livracha*, "may his memory be a blessing." It is.

Martin Peretz

Does He Feel Your Pain?

Forget Massachusetts.
Obama's problem is nationwide.

Bill Clinton didn't know he was in big trouble until the eve of the November 1994 election. Barack Obama knows now, barely a year into his presidency. While party loyalists might blame Martha Coakley's defeat on her ignorance of Red Sox baseball, it was clearly a message to the president and his party. A less inept candidate might have beaten Scott Brown, but, if Obama's program and presidency were more popular in Massachusetts, even Coakley could have won—and maybe by double digits.

There were no exit polls, only election-night samples by Hart Research Associates and Rasmussen Reports, but some polls taken before the vote show Obama's role in Coakley's defeat. In a January 16–17 survey by the Democratic firm Public Policy Polling, which picked up Brown's surge early in the month, 20 percent of respondents who voted for Obama in 2008 said they'd vote for Brown. Among those voters, only 22 percent approved of Obama's presidency and only 13 percent backed his health care plan.

In fact, the percentage of Obama voters who said they'd back Brown almost perfectly matched the percentage who were dissatisfied with the president's health care plan. According to Rasmussen, 52 percent of Brown voters rated health care as their top issue—a clear indication that they viewed the election in national terms.

The most important question raised by Coakley's loss is not what she could have done better, but why Obama's political popularity (which is different from whether voters still "like" him personally) is so low that a Democrat could lose Massachusetts. A conservative Republican Senate candidate winning the Bay

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State, which Obama carried 62 percent to 36 percent in 2008, is comparable to a liberal Democrat carrying Utah.

If you believe the blogs, the Democrats lost Massachusetts and Obama's approval rating is plummeting because the president has alienated his left-wing base. But polls haven't shown simmering dissatisfaction among young, minority, or liberal voters—the three voting blocs that accounted for Obama's strongest support in 2008. Where he and the Democrats have lost ground, in Massachusetts and nationwide, is primarily among white working and middle-class voters, along with senior citizens.

In the Hart post-election poll, Coakley lost non-college voters, whom Obama had won by 21 points, by 20 points—a huge 41-point swing—while *winning* college-educated voters by five points. With African Americans, who backed Coakley, accounting for less than 10 percent of the vote, this suggests a dramatic shift among the white working class. In the actual results, Coakley lost two bellwether white working-class towns, Gardner and Fitchburg, by 14 and 19 points, respectively, after Obama had carried both by 20-plus points.

There is no similar gauge for how seniors voted. But a Suffolk University poll, taken January 11–13, shows that the age group most strongly favoring Brown was 65 to 74-year-olds, by 58 percent to 38 percent. Forty-eight percent of the same group opposed national health insurance, and 41 percent said they "strongly opposed" Obama's plan. This was also the only group that disapproved (albeit narrowly) of the job Obama is doing as president.

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If you look at national polls, Obama has suffered the greatest approval loss among these same groups. In a Pew survey released January 14, his support among whites in the $30,000–$74,999 group fell from 52 percent to 41 percent approval in June 2009 to 55 percent to 36 percent *disapproval*. Among whites with some or no college, he fell from 49 percent to 40 percent approval to 54 percent to 35 percent disapproval. And, among all respondents over 65, he fell from 50 percent to 38 percent approval to 54 percent to 35 percent disapproval.

Why do these groups matter? Since the Democratic Party split in the 1960s, the white working class has been a key vote. Its departure from the Democrats in the South helped transform the region from solidly Democratic to solidly Republican. And, in Northern and Midwestern states like Ohio, Pennsylvania, and Michigan, it's been *the* swing vote. It's fair to say that, if a Democrat can get about 45 percent of the white working-class vote, he can carry Ohio. (Obama got about 44 percent.) But, if he gets 40 percent or less, he will lose the state—and the national race.

The senior citizen vote overlaps with the white working-class vote to some extent, but it has special importance because older voters come out disproportionately in midterm elections. If the Democrats continue to lose seniors, as Coakley appears to have done, they will get clobbered in November 2010. We're not talking two or three Senate seats, but as many as eight. Not 20 or 25 House seats, but maybe between 30 and 40.

Why have these two groups distanced themselves from Obama and the party? They haven't viewed Obama's presidency in a fundamentally different way than many other voters, but they've been the greatest source of populist anger directed at the administration.

Working-class populism has always taken two forms: The first—let's call it left-wing populism—has typically been directed at speculators who make money off of people who work in factories and offices but don't seem to contribute to the actual wealth of society. The second form—let's call it right-wing populism—has targeted immigrants, black sharecroppers, the unemployed, and other "out-groups" seen as trying to deprive workers of their jobs and earnings. These two strains often appear together, and they are most concentrated among the embattled classes—those that see themselves threatened from above and below.

Obama goaded left-wing populism by using tax dollars to rescue the auto companies and to sustain the banks and their executive bonuses. In the Hart poll in Massachusetts, 61 percent of respondents said Obama's economic policies had helped Wall Street and the banks "a lot" or "a fair amount," while only 18 percent said they helped average working people. In a national poll by *National Journal*, 76 percent thought banks, investment companies, major corporations, and the wealthy had "benefited most" from the government's response to the financial crisis.

And the Democrats have provoked both strains of populism with their health care plan. The middle class and senior citizens see it as a program that taxes and takes benefits away from them in order to help the uninsured—the "out-groups"—and to enrich insurance companies. This perception is derived in part from the provisions to tax "Cadillac" health care plans (which are sometimes held by middle-class union members), penalize workers who don't buy insurance, and cut future Medicare spending, while providing new subscribers and profits for insurance companies.

Suspicions about Obama's health care plan have made it almost as unpopular as the bank bailout. Unsurprisingly, in his January 17 speech on behalf of Coakley, the president relegated his health care policies to two passing mentions of insurance companies.

Is this political failure Obama's fault? Much of the administration's declining popularity can be attributed to rising joblessness. In this respect, the only way Obama could have prevented, or eased, his approval's decline would have been to get Congress to adopt a much larger stimulus program last winter. (And, even if he had tried to do so, he most likely would have been thwarted by Republican obstructionists and Democratic deficit hawks.) In the last few months, however, approval of Obama's presidency has fallen far faster than the unemployment rate has risen. This suggests that Obama's political woes can't be laid entirely at the foot of the Great Recession.

His problem boils down to the difficulty he has speaking to and for Middle America. This became evident during the primary battle with Hillary Clinton, and it threatened to seriously damage his candidacy in the general election. But he was rescued by the onset of the financial crisis and John McCain's feeble response to it, along with his choice of Sarah Palin as his running mate. The situation highlighted Obama's strongest asset in the eyes of voters—his intelligence—and reduced the importance of his lack of a common touch.

As president, however, Obama's trouble engaging with Middle America has come to the surface and contributed to his decline in popularity. It's been evident in his style and choice of venues—he stumped for Coakley at Northeastern University in Boston, rather than at a union hall or public auditorium in Worcester or Springfield—and in his choice of advisers and the way he's framed his programs. He chose the former head of the

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New York Fed, Timothy Geithner, to be his chief economic spokesman during a financial crisis that was widely seen as the product of Wall Street. And, in developing and presenting his bank policies, Obama didn't put the kind of conditions on taxpayer assistance that would have assured Middle America he wasn't giving handouts to the wealthy.

In the case of health care, he hasn't really had a spokesperson; he's let the congressional leadership be the public face of the policy. Perhaps he should have settled last year—when the recession heightened populist fears and resentments—for partial reforms more closely geared toward the economic crisis. Large reforms, after all, have usually occurred during economic upswings, when voters felt more secure. But leave that aside. Obama invited voter backlash when he let the burden of reducing health care costs appear to fall on senior citizens and middle-class workers, not on the insurance and drug companies. He ceded too much to the policy wonks who were devising intricate schemes to show that they could cut the deficit. He took his eye off of the political imperative of keeping Middle America in his corner.

To surmount this crisis, Obama needs to adopt policies that will boost employment, but he may not have the political clout to do so. He needs to restore the public's faith in his own leadership, but it's not clear how he can accomplish that.

The last two Democratic presidents faced similar problems. After the Democrats were rebuked in the 1978 midterms, Jimmy Carter took exactly the wrong course. He replaced mediocre people with even more mediocre people. He allowed intramural squabbles to surface. He lost his focus and ended up blaming the American people for his political problems. Clinton, who had governed his first year as a Rhodes Scholar and Yale Law graduate, rediscovered after November 1994 that he had been a successful governor of Arkansas. He governed for the next six years as the president of Middle America, in spite of a furious attempt by Republicans to impeach him.

Obama doesn't seem, like Clinton or Reagan, to be a man of many faces. He can try to make himself into a friend of Joe Sixpack and the enemy of Wall Street—he's certainly *trying* to do so with his proposal to tax the big banks to recoup bailout losses—but it's not going to come naturally. Still, Obama has surprised his critics before, and perhaps (one hopes!) he will do so again.

John B. Judis

REUTERS/LANDOV

It's too simplistic to reduce Italy's immigration problem to racism.

A Riot in Calabria

Mafia versus Africans.

Images of African immigrants rioting in the streets of a small southern Italian city, throwing rocks, blocking roads, and breaking store and car windows, briefly exposed a shocking reality: the existence of Italy's growing migrant-labor population, mostly Africans, an estimated 20,000 of them working under inhuman conditions, living in abandoned buildings or improvised structures without heat or working toilets, sleeping four (even five) to a mattress while laboring off the books for about $30 a day.

Early January's revolt was sparked by an incident in which a couple of local residents from around the town of Rosarno, Calabria, drove by a migrant encampment and shot an African worker with a pellet gun, as if for sport, laughed, and drove away. "We are not animals," many of the immigrants told reporters, explaining the explosion of long-festering anger that this episode triggered. Vigilante groups retaliated against the migrant rioters, firing further rounds of pellets. Some in the press compared the community defense groups to the Ku Klux Klan, while Italy's interior minister attributed the violence to "too much tolerance" of illegal immigration.

Rosarno, a town of about 15,000, is the crossroads where two national crises meet: Italy's failure to deal intelligently with the first mass immigration in its recent history and the increasing domination of southern Italy by the Mafia. Located in the citrus groves of the plain of Gioia Tauro, the area around Rosarno is one of the nastiest strongholds of the 'Ndrangheta, the Calabrian version of the Mafia. Five of the principal towns in the area have had their city councils dissolved because of organized crime infiltration. The presence of thousands of migrant workers in the area would not have gone unnoticed by the area's crime families—or by its nominal legal authorities. Hundreds of the workers in Rosarno were living in a single abandoned factory on the edge of town—not scattered about or hidden in the countryside. It is inconceivable that these men were working without the blessing and profit of the 'Ndrangheta or the passive consent of local police and carabinieri. "Rosarno is not New York," Gianfranco Fini, the president of the Italian Chamber of Deputies, said recently. "Everyone knows that there were places where workers lived who worked off the books and were exploited. For what reason didn't the authorities do their duty?"

Not much is known about the relations between organized crime and migrant labor. The Mafia in this part of Italy has traditionally played the role of enforcers for local landowners, while taking a slice of the profits earned by their thuggish maintenance off of rock-bottom labor prices. Some authorities suspect the 'Ndrangheta was involved in the punitive raids against the workers—a way of keeping them in line. Known 'Ndrangheta members were arrested when police finally restored order after two days of chaotic violence.

There's a precedent for this type of clash. In 2008, in another town near Naples, the Neapolitan organized-crime outfit known as the Camorra killed six African immigrants, provoking a riot that was only squelched when the Italian government dispatched 400 members of the police and carabinieri. According to Roberto Saviano, author of *Gomorrah*, a book about the Camorra, African immi-

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grants are often braver in standing up to the Mafia than Italians.

Millions of immigrants have settled in Italy in the past several decades, but immigration policy remains as haphazard as ever. There are now approximately four million foreign-born immigrants living there legally, about 6 percent of the total population, with hundreds of thousands of others living illegally. Immigrants now contribute an estimated 9.3 percent to Italy's GDP and much more in some industries—construction, manufacturing, and tourism. Given that immigrants contribute more to GDP than their share of the population, they are, in fact, quite productive. In many ways, immigrant workers are exactly what an aging country like Italy needs. They are mostly people of working age who pay into the country's lavish pension system and keep it from collapsing. And yet, millions of Italians still nurse the fantasy that immigrants produce little more than crime and that the country would be better off if it got rid of them.

The majority of immigrants have settled in the north and center of the country. They live and work under better conditions than the migrant fruit pickers in Calabria. And, contrary to the images offered by Rosarno, the majority of foreign immigrants are neither black nor Muslim. Romanians, armed with legal EU passports, make up the largest single group. Filipino (and now Romanian and Ukrainian) women dominate the domestic labor force—babysitters, housekeepers, and caretakers for the elderly. Chinese work in the shoe and leather businesses, and have become a force in textiles. North Africans own many of the fruit and vegetable stores, frequently staying open longer hours than their Italian counterparts.

To say that Italy is not yet a multicultural society is an understatement. The Northern League, a member of the current center-right coalition, has made xenophobia its stock-in-trade. In Bologna, one Northern League branch declared "Pork Day" to prevent the building of a mosque. The idea was to smear the area designated for the mosque with pork products to make it religiously unfit for Muslims. Rather than being banished from politics, the promoter of the idea, Roberto Calderoli, is a minister in Silvio Berlusconi's government. Italians have grown accustomed to having foreigners do many of the hard jobs they no longer want for themselves, scurrying around on the margins of their society. Despite the presence of a second generation, some of whom have gone to university and published books, Italians still cannot conceive of immigrants as compatriots capable of contributing to their culture or society. When questioned by a TV reporter of Middle Eastern heritage (who speaks excellent Italian), Calderoli called her a "suntanned lady." He paid no political price for the obtuse remark, just as Prime Minister Berlusconi paid no price for referring to Barack Obama as "suntanned"—and, just to show that he was not going to be cowed by foreign opinion, describing Michelle Obama that way, too.

But it is too simplistic to reduce Italy's immigrant problem to racism. It is not uncommon to overhear a bar owner launch into an anti-immigrant rant only to watch him turn around and be perfectly friendly with an immigrant peddler who stops in to have a coffee. Most Italians reside in an insular culture organized around family and local loyalties. Reactions to the internal migration of southern Italians to the north of Italy after World War II were easily as intense as those against today's foreign immigrants. Italians have very limited experience in dealing with those who are different from themselves.

The treatment of immigrants in the Italian press has contributed to this climate. Coverage of immigrant criminality approximately doubled on the six national TV networks from 2006 to 2008, even though crime in Italy was, in most categories, stable or slightly down. Every time a Romanian was accused of raping an Italian woman, the story would dominate the airwaves, while the much larger number of rapes by native-born Italians went generally unreported. The massive media coverage created a perception of a "security emergency" that became one of the major campaign issues that brought Berlusconi and the center-right back to power in 2008. It so happens that Berlusconi owns three of the six major networks and exerts considerable indirect control over the other three. Interestingly, coverage of the issue has diminished considerably since his election, although Italy's actual crime rates have hardly budged.

There is no political upside in defending immigrants. That's why the center-left had almost no response to the right's harping on the "security emergency" in the last campaign. Ironically, the one major politician touting something innovative—allowing immigrants who are legal residents but not citizens to vote in local elections as a means of assimilating them—is Gianfranco Fini, a former neo-fascist, currently president of Italy's lower house. It is true that, over the last 15 years, he has moved toward the center. Still, when Fini is one of the Italian immigrant's only champions, the situation is dire indeed. *Alexander Stille*

Alexander Stille is the San Paolo professor of international journalism at the Columbia School of Journalism and author of, among other titles, Excellent Cadavers: The Mafia and the Death of the First Italian Republic.

Unsentimental Education

What has Obama learned about peace?

"The cruel God of the Jews has you beaten too."—Racine

An interview by Joe Klein in *Time* magazine is hardly a historical event. But, when the interview is with Barack Obama, it lays claim to some newsworthiness. This is especially true when it is ballyhooed as a first-anniversary event. Since, moreover, (right after awarding himself good grades on Al Qaeda in Yemen and Somalia) it's clear that Obama wanted to make a point: "The other area which I think is worth noting is that the Middle East peace process has not moved forward. And I think it's fair to say that for all our efforts at early engagement, it is not where I want it to be."

Klein then throws the president an easy ball, which Obama hits just outside the third baseline. "I'll be honest with you. . . . This is just really hard. Even for a guy like George Mitchell, who helped bring about peace in Northern Ireland. This is as intractable a problem as you get." I suppose this is an admission of sorts for the president. But, as he goes on, you find that his understanding of "the problem" is not an understanding at all. It is a disposition, and the disposition is his. Not his alone, mind you. Still, it is his, and that's what counts.

How does one characterize this disposition? Of course, you can read the interview. Or let me quote briefly: "Both sides—the Israelis and the Palestinians—have found the political environment, the nature of their coalitions or the divisions within their societies, were such that it was very hard for them to start engaging in a meaningful conversation. . . . Moving forward, though, we are going to continue to work with both parties to recognize what I think is ultimately their deep-seated interest in a two-state solution

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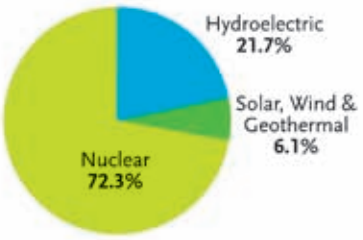

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in which Israel is secure and the Palestinians have sovereignty and can start focusing on developing their economy and improving the lives of their children and grandchildren." One is tempted to ask what Arab model the Arabs of Palestine will use as a prototype for their own prosperity and freedom. Is there such anywhere in the Arab world? Perhaps the president will himself propose one.

Obama's confidence in himself on matters that he used to know nothing—or, to be charitable, next to nothing—about leads him astray. But even self-absorbed people tend to have crutches. Frankly, I don't believe that Rashid Khalidi is his tutor, although he may have lived in his neighborhood. The person he seems to rely on, at least for public fare, is Mitchell. I know that, last month, Mitchell was awarded the NCAA "Teddy" Award, named for Theodore Roosevelt and bestowed on people who played undergraduate athletics, or something like that. Mitchell's sport was basketball. But even the president's enchantment with the game can't explain his enchantment with Mitchell, who, after all, screwed up his own investigation of drug use in the baseball majors.

I am not being cruel to the ex-senator from Maine. Even that faux Harvard scholar, Stephen Walt, co-author of the noxious *The Israel Lobby*, believes that the president should put him out to pasture. I, myself, don't think it makes any difference. If the president believes that George is correct in his views, then the president believes it. I do not know how many frequent-flier miles Mitchell has accrued in his travels to the region. But he is becoming desperate.

In only the last fortnight, Mitchell allowed himself to be drawn into preposterous discussions with Mahmoud Abbas that revolved around the *rais*'s proposal that the Obama administration negotiate with Israel on the final boundaries of the Palestinian state. Presumably, Mitchell was not happy with the idea. Of course, he delivered the message to Washington and discussed it with Benjamin Netanyahu. Netanyahu's response to the Mickey Mouse conditions Abbas has set, particularly the first-time demand of a halt to construction any place in the West Bank and in east Jerusalem, can be summarized: "Stop wasting time talking about how to enter the peace process."

On the other hand, Mitchell was almost delirious with the news he found in Beirut and Damascus. Now "delirium" is a clinical description. But it is, in fact, the only way to explain Mitchell's reading of the Lebanese and Syrian situations, especially vis-à-vis the United States and Israel, individually or together. The cliché about Lebanon used to be that it would be the second state to make peace with Israel. Quite to the contrary: I believe it will be the last state to make peace with Israel, if it ever will.

Sorry, I don't know out of which *nargileh* Mitchell was smoking. But the political alignment in Beirut has never been so hostile to the United States and never been so prepared to make war on Israel. The Saudis—ah, the faithful Saudis who have fooled every single American president since FDR up to the homage-bobbing present one—set upon Prime Minister Saad Hariri, the son of his assassinated father, Rafik, also prime minister, to make peace with Syria's president, Bashar Al Assad, himself the real killer. These were only formalities. Of course, they despise each other. You have to have sat with enough Arabs swearing their love for brother Arabs to fathom how much they scorn them. If anybody calls me, I'll give plenty of instances.

The real power in Lebanon, even benefiting from American blandishments like Mitchell's, is Hezbollah. This well-rearmed fighting force has been allowed by the state to keep its weapons and, thus, to function as a permanent sedition itself. Hezbollah has now moved more of its civvie-clad soldiers and munitions into the south, forbidden by the so-what Security Council Resolution 1701, Condi Rice's last testament to her term in office. Hassan Nasrallah has established a more secure and very much armed soldiery in the north. The Shia jihad, which is what Hezbollah truly is, has effective veto authority in the civilian government, and it has exercised this aplenty. Syria is much more cut-and-dried: Al Assad rules, and he finds no reason, not a single reason, to wander away from Iran, the alliance with which is all that makes the United States notice him at all. This is a trio centered in Tehran. But, evidently, the president is wary of making its walls shake. He's leaving that to the students.

Of course, Mitchell is not really the president's tutor. Mitchell, with congenial opinions, is the president's errand boy; he has been that for just about a year. And, as Obama allows, this year has, more or less, been a waste. *Tiens!*

FRANKLY, THE PROBLEM lies with the green line. Lines drawn with crayons have always had a bad life after the fact. Palestine has had many lines drawn for it and through it. The Sykes-Picot lines were finally drawn, after about a year of imperial bargaining, in 1916. They were kept secret, however, for at least a year. Britain appropriated to itself what it called Palestine and fought the Turks so that the land "from Dan to Beersheba," based on a map of the Holy Land "under David and Solomon," would be its alone. The "lines" and the references would cause troubles everywhere, including Mosul. In fact, the Sykes-Picot lines still make occasional reference—that is, troubles—in Iraq today. And when, or rather if, Israel and Syria ever come to discuss the hydrologics of a settlement, Sykes-Picot will be studied again.

One could concentrate on the United Nations partition lines of 1947. But, since no Arab country (save now Egypt and Jordan) has ever recognized the legitimacy of the Partition Plan itself, they and the Palestinians, who'd not negotiated with Israel until the early 1990s, and then only in secret, (or, for that matter, with the Zionists before Jewish independence) were stuck with what was called "the green line." Like the Sykes-Picot lines, the green line was drawn with implements that were, to say the least, imprecise. The fact is that the relevant cartography was charted with the relationship of 1:50,000. It's just possible that with that ratio, Gilo, which drove Hillary Clinton bananas, would have met the test of the most restrictive maps. But many other settlements would not.

What is the standing of the green line, so called? Actually, it has none, having been violated by the Jordanians, the Egyptians, and the Syrians, most dramatically in the run-up to the Six-Day War. But the appellation "green line," that very rough marker, is an invention of commentators. In the absence of political realism, it has taken on historical weight. But each of the four armistice agreements signed at Rhodes in early to mid-1949 have specific provisions, inserted at the insistence of the separate Arab delegations with not a single Palestinian in attendance and with not a single allusion to the Arab state envisioned in the Partition Plan, asserting that the documents are without prejudice to future arrangements of boundaries. There is no mystery as to what that means. That is, already, in 1949, the usurping Egyptian

Department of Corrections

"Post Apocalypse" (February 4) originally stated that journalist Peter Baker grew up in Montgomery County. He grew up in Fairfax County. We regret the error.

ANTHONY RUSSO

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state, the Syrian dictatorship, and the Kingdom of Jordan were contemplating what they attempted in 1967 and (with two of the above) again in 1973.

It is true that the manifest desire of the Israeli populace for peace was what pushed the political class into all of the risks they took. First of all, in trusting the table at which Yasir Arafat sat, and in more than trusting the impresario of the celebration on the White House lawn. This was Shimon Peres's finest hour, his scurvy triumph of pushing Yitzhak Rabin and other Israeli realists into a negotiation they did not seek and which they feared. (For the record, as my writings in The New Republic reflected, I felt like a mourner at the wedding feast.) At the tail end of what a deceitful *Ha'aretz* columnist, Akiva Eldar, called "Clinton time," Ehud Barak, a brave man in war and during peace negotiations, was also led down the marital path between the Israelis and the Palestinians. The prime minister had already agreed to a cockamamie division of the Armenian Quarter of the Old City, with decorous signs, when Arafat ran out of the negotiations with poor, panting Madeleine Albright, last year's recipient of the "Teddy," actually, running after him. End of parley.

Even the students at Tel Aviv University, the U.C. Berkeley of Israel, are no longer pushing the prime minister to make concessions to what are, really, the president's fantasies. Now, Netanyahu doesn't do politics out of caprice. He knows that there will be no "Greater Israel" or anything resembling it. Recall that his mentor, Ariel Sharon, emptied Gaza of all its Jewish settlers and settlements. And then emptied four settlements in Samaria on the West Bank. Nobody sane thinks that these four would suffice, that they were other than the beginnings of a vast and, yes, painful withdrawal from Jewish history. Some of the folk in these communities—and that's what they really are—happen to be more like homesteaders and pioneers. Everywhere, they are characterized as fanatics. I'd trust the characterizers much more if they could so easily also associate Palestinian true believers with lunacy.

Here are the realities of Israel today. Everybody understands that 1967 really means 1949. They are silly borders—really, tokens of a fictitious past. The Arabs are lucky that perhaps as many as 100,000 Israelis may be dislodged from their homes. That gives them the hugest proportion of the West Bank—more, candidly, than I believe is safe.

In the early days of the Jewish state, its enemies were perceived as armies, with, here and there, a terrorist gang or two. Fair and square, so to speak. Now, the Palestinians do "asymmetrical warfare," terrorism writ large. If they have sovereignty, they will not repair to armies, at least not in the early stages of "peace." They will, as they have already more than amply shown in Gaza, wage war by rockets and missiles and other projectiles. I will state it simply: The prospect of irregular war requires Israel to man the borders with Jordan, where about 50 to 70 percent of the population is Palestinian, mostly disloyal to the monarchy, restive, and increasingly drawn by the allure of Hamas. A long time ago, my own ideal of an Israeli politician, Yigal Allon, military hero and social idealist, drew a map that was realistic in that it met all the threats (save the nuclear threat) his country could face. It was called the Allon Plan. Anita Shapira has written a biography of this exemplary man, *Yigal Allon, Native Son*. He died 30 years ago in February. In any case, he understood.

And, for all my slight disagreements with Bibi (and they are not more than slight), he understands as well. He is stuck trying to teach President Obama the sober facts. Only the sober facts can help him. But he will be angry learning.

Martin Peretz

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The New REPUBLIC

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The Quiet Revolution

Obama has reinvented the state in more ways than you can imagine.

JOHN B. JUDIS

These days, liberals don't know whether to feel betrayed by or merely disappointed with Barack Obama. They have gone from decrying his willingness to remove the public option from his health care plan to worrying that, in the wake of Democrat Martha Coakley's defeat in Massachusetts, he won't get *any* plan through Congress. On other subjects, too, from Afghanistan to Wall Street, Obama has thoroughly let down his party's left flank.

Yet there is one extremely consequential area where Obama has done just about everything a liberal could ask for—but done it so quietly that almost no one, including most liberals, has noticed. Obama's three Republican predecessors were all committed to weakening or even destroying the country's regulatory apparatus: the Environmental Protection Agency (EPA), the Occupational Safety and Health Administration (OSHA), the Securities and Exchange Commission (SEC), and the other agencies that are supposed to protect workers and consumers by regulating business practices. Now Obama is seeking to rebuild these battered institutions. In doing so, he isn't simply improving the effectiveness of various government offices or making scattered progress on a few issues; he is resuscitating an entire philosophy of government with roots in the Progressive era of the early twentieth century. Taken as a whole, Obama's revival of these agencies is arguably the most significant accomplishment of his first year in office.

The regulatory agencies, most of which date from one of the three great reform periods (1901–1914, 1932–1938, and 1961–1972) of the last century, were intended to smooth out the rough edges (the "externalities," in economic jargon) of modern capitalism—from dirty air to dangerous workplaces to defective merchandise to financial corruption. With wide latitude in writing and enforcing regulations, they have been described as a "fourth branch of government."

That wide latitude could invite abuses of power, but the old-time progressives who fashioned the regulatory state rested their hopes on what could be called "scientific administration." Louis Brandeis and Herbert Croly—to name two of the foremost turn-of-the-century progressives—believed that the agencies, staffed by experts schooled in social and natural science and employing the scientific method in their decision-making, could rise above partisanship and interest-group pressure. Brandeis's famous concept of states as "laboratories of democracy" comes out of his defense of state regulation of industry and was meant to conjure an image of states basing their regulatory activities on the scientific method. For his part, Croly often made the progressive case for disinterested expertise. The success of the regulatory agencies, he wrote, depended upon "a sufficient popular confidence in the ability of enlightened and trained individuals … and the actual existence for their use of a body of sufficiently authentic social knowledge."

Many of the last century's presidents—from Theodore Roosevelt to Jimmy Carter to Bill Clinton—subscribed to this progressive ideal of regulation based on expertise. But, beginning in the 1980s and culminating in the presidency of George W. Bush, the notion of scientific administration came under attack from Republicans and their allies. They began to subvert the agencies by bringing in business executives, corporate lawyers, and lobbyists—the very opposite of the impartial experts envisioned by Brandeis and Croly.

Reagan chose Thorne Auchter, the vice president of a construction firm, to head OSHA. Bush appointed a mining company executive to head the Mine Safety and Health Administration and a trucking company executive to head the Federal Motor Carrier Safety Administration. To lead OSHA, he named Edwin G. Foulke Jr., a longtime foe of the agency who had advised companies on how to block union organization.

Some of the Republican appointees weren't business types, but ideologues or hacks who were utterly unqualified for their positions. Anne Gorsuch, whom Reagan nominated to head the EPA, was a rising member of the Colorado House of Representatives, where she was part of a conservative group known as the "House crazies." Michael Brown, whom Bush appointed to run the Federal Emergency Management Agency (FEMA), had previously been commissioner of the International Arabian Horse Association.

Even some less offensive Republican picks were unable to carry out their agencies' missions. Bush appointed Christine Todd Whitman, a moderate figurehead, to lead the EPA, but he boxed her in with a hostile White House above and conservative staffers below—people like Jeffrey Holmstead, who had represented the Chemical Manufacturers Association and was placed in charge of enforcing the Clean Air Act.

Obama's regulatory appointments could not be more different—no surprise given that he is the son of two social scientists (one of whom attempted to introduce scientific administration to Kenya) and that he once worked in academia himself. Indeed, the flow of expertise into the federal bureaucracy over the past year has been reminiscent of what took place at the start of the New Deal.

For instance, as a replacement for Foulke at OSHA, Obama chose David Michaels, a professor of occupational and environmental health at George Washington University. In 2008, Michaels published a book, *Doubt is Their Product: How Industry's Assault on Science Threatens Your Health*, detailing how businesses had delayed regulations by "manufacturing uncertainty" about scientific findings.

To manage the EPA, Obama appointed a slew of highly experienced state environmental officials. (As Bill Becker of the National Association of Clean Air Agencies explains, state officials are ideally suited for the EPA because they have first-hand experience in how regulations are enforced and how they work.) Obama's choice to run the agency was Lisa Jackson, a chemical engineer who led the New Jersey Department of Environmental Protection. Her deputies include the former secretary of the environment in Maryland, as well as the former heads of the Connecticut Department of Environmental Protection, the Massachusetts Bureau of Resource Protection,

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and the Arizona Department of Environmental Quality.

Meanwhile, Obama chose as his Food and Drug Administration (FDA) chief Margaret Hamburg, who achieved renown during the 1990s as health commissioner of New York City, where she developed a program for controlling tuberculosis that led to a sharp decline in the disease. Her number two is a former Baltimore health commissioner who, in 2008, was named a public official of the year by *Governing* magazine. Obama's director of the National Park Service is a 30-year veteran of the agency—and the first biologist to lead it. And his new director of FEMA is W. Craig Fugate, who performed outstandingly as Jeb Bush and Charlie Crist's head of emergency management in Florida. Fugate may not know anything about Arabian stallions—but he does know a thing or two about hurricanes.

Republican presidents didn't just undermine scientific administration by making poor appointments; they also slashed or held down the regulatory agencies' budgets, forcing them to cut personnel. This was a particular problem in the all-important area of enforcement: If regulatory agencies can't conduct inspections and enforce rules, it doesn't matter how tough those rules are. OSHA's budget fell 13.1 percent in constant dollars during the Reagan years and 6.8 percent during the administration of George W. Bush. As a result, an agency that had employed 2,950 people in 1980 employed just 2,089 in 2008—and the number of compliance officers had declined 35 percent. According to Michael Silverstein of the University of Washington School of Public Health, this meant that a workplace could expect an inspection only once every 88 years.

The story was similar elsewhere. Under George W. Bush, the EPA's funding dropped 27 percent, while personnel fell 4.2 percent from 2000 to 2008. Personnel at the National Labor Relations Board, which is responsible for enforcing labor laws, has fallen 41.8 percent over the last 30 years. At the Mine Safety and Health Administration, funding had fallen 5.3 percent and personnel 43.8 percent from 1980 to 2006—when the Sago Mine disaster in West Virginia suddenly awakened Congress to the way the Bush administration had crippled the agency.

Now Obama is reversing these trends. Even in the face of the recession, he proposed and got funding increases for numerous regulatory agencies—some of them dramatic. He asked for $10.5 billion for the EPA for 2010—a 34 percent jump over 2009, and the first time in eight years that the budget had increased. He also requested a 19 percent increase in the FDA's budget, the largest in its history; a 10 percent increase for OSHA, which will allow it to hire 130 new inspectors; and increases of 5 percent, 7 percent, and 9 percent for the Federal Trade Commission, the SEC, and the Commodity Futures Trading Commission.

Obama has done one last thing to lay the groundwork for a return to scientific administration: He has made it less likely that the White House will block regulations. In 1981, the Reagan administration expanded an obscure unit within the White House budget office—the Office of Information and Regulatory Affairs (OIRA)—into a super-agency that could kill or delay a rule proposed by a regulatory agency if the rule's costs were found to outweigh its benefits. From that point on, cost-benefit analysis became a key tool in the Republican attempt to undermine scientific administration.

As Richard L. Revesz and Michael A. Livermore argue in a recent book, *Retaking Rationality*, there is nothing intrinsically illiberal about cost-benefit analysis. Indeed, it can be quite consistent with a progressive faith in social science. In 1973, for instance, a Ralph Nader Study Group used cost-benefit analysis to oppose dam-building in the West. But, in the late '70s, conservative intellectuals, working through business-funded think tanks like the American Enterprise Institute (AEI), promoted cost-benefit analysis as an instrument of deregulation. (The co-editor of the AEI journal *Regulation* was a law professor named Antonin Scalia.) Nader made a brief attempt to fight back—a Nader Study Group argued in 1979 that the benefits of regulation outweighed the costs—but most defenders of regulation simply condemned cost-benefit analysis outright, leaving the field of battle to the conservatives.

The conservative version of cost-benefit analysis stressed costs rather than benefits and subjected only regulation—not deregulation—to cost-benefit scrutiny. Conservatives also sometimes adopted bizarre formulas for assessing costs and benefits. They assigned less monetary value to improvements or protections in poor communities because the residents were willing (that is, able) to pay less for them, and they used a spurious correlation between a society's wealth and the health of its citizens to argue that the costs of regulation outweighed the benefits. Under George H.W. Bush, for example, OIRA argued that OSHA regulations on chemical contaminants would end up harming workers more than exposure to chemicals. Wrote James McRae, the acting head of OIRA, "If government regulations force firms out of business or into overseas production, employment of American workers will be reduced, making workers less healthy by reducing their income."

During the 1990s, Clinton pushed back—he subjected deregulation to cost-benefit analysis and tried to make OIRA's procedures more transparent—but, soon enough, George W. Bush was in power, and things once again got worse. Bush stopped weighing the costs and benefits of deregulation and issued an executive order allowing OIRA to intercede before agencies made their initial proposals, thereby providing industry lobbyists with a back door to block regulations. OIRA also instructed agencies to discount the value of future lives in constructing cost-benefit analyses by 7 percent a year, so that 100 lives in 50 years would only be worth 3.39 current lives. (Such logic can be used by conservatives to argue that the present cost of regulating greenhouse gases outweighs the future benefits of stopping climate change.) In addition, Bush put a political appointee in each of the regulatory agencies whose job was to make sure they were following OIRA's dictates. From July 2001 to March 2002, Bush's OIRA killed 20 regulations, more than Clinton's OIRA had killed in eight years.

Now Obama has put a liberal proponent of cost-benefit analysis, Harvard law professor (and former TNR contributing editor) Cass Sunstein, in charge of the super-agency. He also revoked Bush's executive order allowing OIRA to intercede at the start of the process and called for reframing cost-benefit analysis to take account of "the role of distributional considerations, fairness, and concern for the interests of future generations." For his part, Sunstein has stated that he wants to make sure "environmental regulations … are attentive to the interests of future generations and those who are least well-off." These might seem like general ideas, but they are a clear signal that Obama and Sunstein plan to purge cost-benefit analysis of its conservative bias.

The upshot of all this—appointing the right people, giving them enough funding, and signaling that the conservative version of cost-benefit analysis will not stand in their way—

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is that the regulatory agencies are once again able to serve their intended purpose. Already, it is possible to discern signs of progress. In her first year at the EPA, Jackson granted California a waiver to impose tougher greenhouse-gas standards for new automobiles, which the Bush administration had denied. She declared that the EPA would set standards for greenhouse gases under the Clean Air Act. (This means that, if Congress fails to pass cap-and-trade legislation, the EPA could act on its own to regulate carbon emissions.) And she accepted the EPA staff's recommendations for tougher smog standards—recommendations that had been rebuffed by the previous EPA head. Science, it seems clear, is back in command at the EPA.

At OSHA, the Bush administration, with the support of Republicans in Congress, had repealed the rules governing ergonomic injuries (which account for 30 percent of compensation claims filed by workers). OSHA even eliminated the column in the reports that companies file where such injuries were supposed to be listed. Obama's OSHA immediately restored the column and is working on a new national regulatory standard for these injuries.

During the Bush years, there was growing evidence that diacetyl, an artificial flavoring used in making popcorn and other food, was causing severe lung illness among workers exposed to it. Foulke refused to take action, declaring the extensive science documenting the link to be "murky." Moreover, Foulke failed to develop standards governing silica dust—which has also been linked to lung ailments. Obama's OSHA is moving ahead on both fronts. In October, OSHA also levied its largest fine ever, requiring BP to pay $87 million for a 2005 explosion that killed 15 workers in Texas.

At the FDA, Hamburg has issued warnings on dietary supplements. She also obtained ("by mutual agreement") the resignation of the director of the FDA's controversial Center for Devices and Radiological Health, which, according to the Government Accountability Office, had approved 228 devices without adequate testing between 2003 and 2007. At the Federal Communications Commission (FCC), the new chair, Julius Genachowski, has come out in favor of net neutrality (which means that Internet service providers wouldn't be able to discriminate against content providers). The FCC is also reportedly mulling a broadband plan that would allocate a significant part of the spectrum to free wireless.

The Bush administration steered clear of antitrust prosecution for eight years. Already, the new chair of the Federal Trade Commission, Jon Leibowitz, has sued Intel for restraining trade by attempting to prevent computer makers from using non-Intel chips. At the Consumer Product Safety Commission, the Obama-appointed chair, Inez Tenenbaum, has sent a signal that a new day is at hand by fining Mattel $2.3 million for selling toys containing lead and Mega Brands America $1.1 million for improperly reporting a fatality caused by one of its children's building sets.

Of course, there have been shortcomings in Obama's approach. Some of his appointments have been less than stellar. Mary Schapiro, selected to head the SEC, was formerly CEO of the Financial Industry Regulatory Authority, which was set up and funded by the investment industry—and she appears at least initially reluctant to challenge the Wall Street culture. After boldly proposing last May to conduct 10,000 unannounced inspections of money managers, she eventually settled in December for only 1,600 inspections.

Meanwhile, OIRA still bears traces of its conservative past. In reviewing proposed EPA coal-ash regulations, which were developed in response to a massive spill at the Tennessee Valley Authority in 2008, Obama's OIRA has met far more frequently with industry representatives than with environmentalists. Partly as a result, some activists are unhappy with Obama. Four analysts from the Center for Progressive Reform recently wrote that the administration deserves a "B-" for regulation during its first year.

Yet history rarely moves in leaps and bounds, and, by just about any reasonable standard, Obama's approach to regulation has been extremely impressive. More worrisome than the criticisms of activists is the possibility that politics may soon intrude. In 1993, Clinton, too, attempted to revive the regulatory agencies by appointing well-qualified personnel and increasing funding. But, after Republicans took control of Congress in 1994, they managed to cut Clinton's budget proposals and delay or block the implementation of regulations. If Democrats lose Congress this November, the same thing could happen again. In that case, what has been Obama's most significant achievement to date would come to naught—and liberals would have yet another reason to despair. ◆

Lydia DePillis assisted with research on this article.

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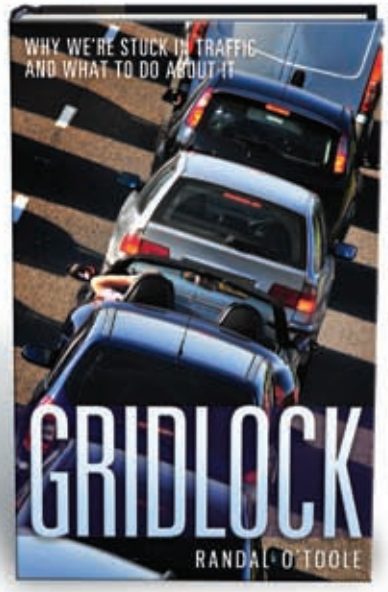

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Islamabad Boys

An American admiral, a Pakistani general, and the ultimate anti-terror adventure.

MICHAEL CROWLEY

On August 26, 2008, Michael Mullen, the chairman of the Joint Chiefs of Staff, touched down for a secret meeting on an aircraft carrier stationed in the Indian Ocean. The topic: Al Qaeda and the Taliban.

The summit had been arranged the previous month. Mullen had grown anxious about the rising danger from Pakistan's tribal areas, which Islamic militants were using as a base from which to strike American troops in Afghanistan and to plot terrorist attacks against the United States. He flew to Islamabad to see the country's army chief of staff, Ashfaq Parvez Kayani. Kayani is Pakistan's most important general, commanding its 550,000-man army. By some accounts, he is also the ultimate source of power in a militarized society that reveres its generals more than its politicians. Mullen had been blunt with Kayani: The United States needed Pakistan's army to take on the militants flourishing along the border, he said. The days of Pakistan looking the other way—cutting deals and playing double games with the radicals—had to end.

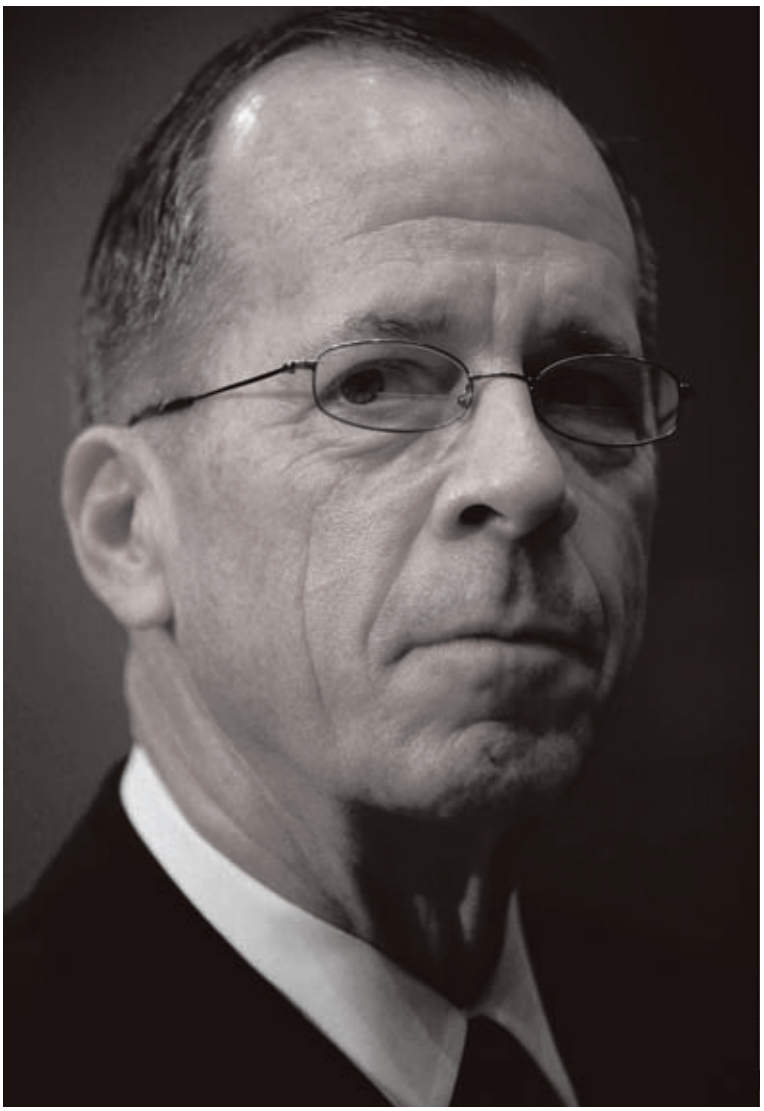
It was hardly a painless request; the Pakistani military is organized for warfare against its arch-nemesis India, and many of its mid-level officers are sympathetic to the Taliban and, at best, wary of the United States. When the United States argues that smashing militants along Pakistan's northwest border will improve the security of both countries, officials in Islamabad are often skeptical. In his conversation with Mullen, however, Kayani had agreed. He had even requested a second meeting, with other top Pentagon officials, to plot a comprehensive strategy.

Finding a location was tricky. The Pakistani army was already fighting militants in the Bajaur tribal area, and the general couldn't be too far from the theater. But a parade of U.S. generals arriving in nearby Islamabad with marching orders for the army could inflame anti-Americanism. So Mullen proposed meeting on the *USS Abraham Lincoln*, which was then patrolling the waters south of India and Pakistan. Several weeks later, the Joint Chiefs chairman alighted on the *Lincoln* in a C-2 Greyhound propeller plane. He was met by an impressive roster of American generals, including the top commander in Afghanistan, David McKiernan; Special Operations Command chief Eric Olson; and soon-to-be CENTCOM commander David Petraeus.

Landing by helicopter was Kayani, wearing green army fatigues and a black beret. Kayani has dark, sunken eyes, which lend him a mysterious air, one that matches his taciturn style. "He is sphinx-like," says a congressional foreign policy aide who has dined with the army chief. "I wouldn't want to play poker against the guy." Together, the generals huddled for hours, as they planned how the U.S. and Pakistani militaries could cooperate in a crackdown on the radicals. (Kayani, a notorious chain smoker, emerged for regular cigarette breaks on the carrier's deck.) "It was about this time that Kayani started to lay out in broad strokes what his strategy was going to be, how he was going to attack this," says a Pentagon official.

Mullen was impressed. Unlike many of his countrymen, Kayani seemed to understand that, when it came to fighting the militants, Pakistan's interests aligned with America's. "[H]is principles and goals are to do what's best for Pakistan," Mul-

Michael Mullen combines no-nonsense talk with an emphasis on diplomacy.



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len told reporters when he returned from the *Lincoln*. "And everything he's done … indicates that's absolutely the case."

Almost a year and a half later, Washington is still trying to assess Kayani's reliability. His army has thrust into the tribal areas, as promised—most recently with an offensive into the Al Qaeda and Taliban stronghold of South Waziristan. But that campaign has captured or killed precious few militants; most have simply fled to new havens nearby. It remains to be seen whether Kayani and his compatriots continue the fight in earnest, or whether their efforts have been designed mainly to impress their American patrons, who send billions of dollars in military aid to their impoverished country. Kayani, after all, has rejected America's most important request: that he take on Afghan Taliban groups within his borders, especially the fearsome commander Siraj Haqqani, who operates largely unthreatened in the safe haven of North Waziristan, where he also provides shelter to Al Qaeda operatives. As recently as mid-January, Pakistani officials told U.S. Defense Secretary Robert Gates that any new offensive against militants would have to wait at least six months. Thus, a critical question remains unanswered: In the fight against Al Qaeda and the Taliban, can Michael Mullen count on Ashfaq Kayani—and, by extension, Pakistan—as a reliable ally?

It was a chilly mid-December morning in Afghanistan as Mullen flew by Blackhawk helicopter from Kabul's Bagram Airfield past the operatic snowcapped peaks of eastern Afghanistan, toward the Pakistan border. He landed at Forward Operating Base (FOB) Thunder, located outside the city of Gardez in Paktia province. Paktia is among Afghanistan's most dangerous areas, thanks to its proximity to Haqqani's North Waziristan base. At FOB Thunder, Mullen toured a joint command center staffed by Americans working alongside Afghans at long tables in front of laptop computers. One Afghan officer studied a detailed digital map showing the peaks and valleys of the local area. A monitor nearby displayed the live feed from a drone that appeared to be circling a rocky peak.

Mullen paused to talk to a commander of local Afghan army forces. "What are your concerns?" Mullen asked. We need more weapons, the general said. "Minister Wardak gave me the message on weapons," Mullen replied, referring to his meeting the previous day with Afghanistan's defense minister. The general also told Mullen that the AWOL rate for some units in the area approached 20 percent. Mullen nodded. "We know that has to get better," he said.

As Mullen spoke, a large video screen above him carried updates about critical events in the area. EXPLOSION—PAKTIYA, GARDEZ DISTRICT, it presently announced. SIX KIA, 12 WALKING WOUNDED. According to later reports, a bombing at the office of a USAID subcontractor that morning killed five non-American employees. The attack was most likely carried out by the Haqqani network, operating with impunity as Kayani's forces mopped up to the south.

Although Mullen didn't mention the Gardez bomb, he looked concerned all the same. But then, Mullen always looks concerned. He is tall and lean, and, with his ever-present wire-rimmed glasses and laconic manner, he can seem more like a high school science teacher than a senior admiral. Mullen was born in 1946, in Los Angeles, the oldest of five children. His father was a Hollywood publicist who represented the likes of Julie Andrews, Bob Hope, Carol Burnett, and Steve McQueen. His mother worked for a time as Jimmy Durante's assistant. Mullen was an aimless teenager when a friend's father, a Beverly Hills cop, encouraged him to consider attending the Naval Academy. "I had no long-term goals," Mullen confessed to me on the flight home from Afghanistan. "My original plan was to leave the Naval Academy after two years." But Mullen took a shine to the Navy and wound up climbing its ranks steadily—from commanding a gasoline ship to serving on a destroyer that shelled North Vietnam to leading U.S. naval forces in Europe. In 2005, he became chief of naval operations. Two years later, Gates unexpectedly chose not to reappoint then–Joint Chiefs Chairman Peter Pace to a second two-year term. Gates feared his reconfirmation hearings would become a bitter forum for debating Iraq, and he wanted to find someone with no political exposure to the war. From his Navy perch, Mullen had little involvement in Iraq policy, making him a safe alternative.

Few tears were shed for Pace. Under Congress's 1986 Goldwater-Nichols Act, the Joint Chiefs chairman is meant to be the "principal military advisor" to the president and the secretary of defense. But both Pace and his predecessor, Richard Myers, allowed Defense Secretary Donald Rumsfeld to bully them and served more as parrots than independent arbiters. Mullen, who was granted a second two-year term last September, concedes the nebulous nature of his job. "I am the nation's most senior military officer," he joked at a New York dinner last year, "but I do not command any troops. I do not field any equipment. I do not plan or execute operations, and I am not responsible for any particular region of the world. In fact, the more I talk, the more I want to ask myself, 'What am I doing?' " Yet his tenure has been an important element of America's tonal and philosophical shift from the chest-thumping of the high Cheney-Rumsfeld era. In a memorable December 2007 statement to the House Armed Services Committee, Mullen said of the country's military engagements abroad, "In Afghanistan, we do what we can. In Iraq, we do what we must." It was a frank concession that the military was overstretched. "He's exceptionally forthright, honest, and no-bullshit—especially for a guy with that many stars on his shoulder," says the congressional foreign policy aide.

Despite his showbiz roots, Mullen can be stiff, and he speaks in clunky jargon. Before a December USO performance at an air base in western Iraq, Mullen introduced the comedian Dave Attell as "someone who I know will be impactful in his humor." (Attell subsequently regaled the troops with decidedly impactful jokes about sex toys, horny midgets, and masturbating with the aid of gravy. Mullen had already left the scene, thankfully.) But he does understand the power of public opinion. Last year, Mullen penned an article for the military publication *Joint Force Quarterly* decrying "a certain arrogance" in America's approach to strategic communications. "Good communication runs both ways. It's not about telling *our* story," Mullen wrote. "We must also be better listeners. … [W]e need to worry a lot less about *how* to communicate our actions and much more about *what* our actions communicate." Such frank talk was unusual for a senior military man, and it impressed public diplomacy specialists. Mullen's emphasis on listening also put the admiral squarely in line with Obama's foreign policy. It was a sign that Mullen is as much a diplomat as a warrior.

During his December visit to Afghanistan, Mullen—who strongly supports Obama's troop surge—held a *shura* with a group of local elders on a U.S. base in Kandahar. "I would rather listen than speak," said the admiral, who wore a tan desert camouflage uniform. "Tell me what you think I need to understand

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that I may not understand." Mullen sat patiently as the men, grizzled under their turbans and dusty robes, bombarded him with rambling complaints about corruption and unemployment. He didn't flinch when one tribal elder, upset that some Taliban detainees were being released by corrupt Afghan security forces, made a suggestion: In the future, he said, "just kill them on the ground. Do not turn them over to the Afghan forces." At the session's end, Mullen assured the men that he'd heard their concerns, especially on corruption. Of the detainees, he added diplomatically, "The solution to just kill them on the street probably won't work for us."

Mullen's most important diplomatic mission, however, is not in Afghanistan but in Pakistan. Mullen had visited the nation just once before he became Joint Chiefs chairman. But, the more he grew concerned about the safe havens in Pakistan, the more he realized that Kayani was the key to doing something about the problem. He set out to cultivate a rapport with the general, and the two plainspoken military men found a connection. "We genuinely like each other," Mullen told me. The two have now met at least 15 times and spoken on the phone countless more, discussing everything from how the U.S. and Pakistani militaries can coordinate their operations against the Taliban to the security of Pakistan's nuclear arsenal. But, along with his pressure on Kayani to move against the radicals, Mullen has demonstrated America's willingness to help. In early 2009, for instance, Kayani told Mullen that, to fight in the tribal areas, he would need more helicopters. But standard U.S. Blackhawks wouldn't suffice. He needed the Russian-made Mi-17 helicopters on which most Pakistani pilots were trained. Mullen "shook the apple tree," according to Captain John Kirby, a top Mullen aide, and tracked down ten of the choppers in U.S. inventory. "By midsummer, Kayani had them all," says Kirby.

Meanwhile, Mullen has tried to show Kayani that he's got his back in Washington, where Pakistan-bashing is easy and abundant. At the Pentagon, Mullen has called Kayani "an extraordinary individual." In 2008 Senate testimony, he called Kayani "a very great leader" who "has the right focus." Last April, Mullen even penned a gushy tribute to Kayani for *Time* magazine: "Here is a man with a plan, a leader who knows where he wants to go," he wrote. Mullen is not the only one who believes in the Pakistani general—Kayani "fundamentally gets it," says a senior American official in Islamabad—but the admiral's public praise is unmatched. Mullen "has been a great support to Pakistan," says Brigadier General Nazir Butt, Washington attaché for Pakistan's Ministry of Defense. In recent policy debates about Pakistan, Butt says, Mullen "was the lone voice that I could notice defending the institution of the Pakistani military in Washington."

On February 26 of last year, Ashfaq Kayani arrived at the U.S. Army Command and General Staff College at Fort Leavenworth, Kansas, for his induction into the Army's International Hall of Fame, created to honor the college's prominent foreign graduates. In 1987 and 1988, Ashfaq Kayani, then in his late thirties, spent two years training in the United States (first in an officer course at Fort Benning, Georgia, then at Fort Leavenworth). Wearing a tan uniform with a red collar, Kayani fondly recalled his Kansas days. Recounting a reunion he'd had with his former American classmates the day before, Kayani said their rapport was as easy as it had been in 1988. "That was the kind of depth of interaction and understanding that we had developed," he said. "[T]his has helped to develop a very good, very deep understanding with the Pakistan army and the U.S. Army, which we carry to this day."

Smashing the Haqqani network would serve America's interests far more than Pakistan's.

Ashfaq Kayani, Pakistan's army chief of staff, whom Mullen has called "a very great leader."

The warmth that Kayani feels toward the United States is likely the exception rather than the rule, however. Congress severed all military ties to Pakistan in 1990 to punish the country for its pursuit of nuclear weapons, ending exchange programs like the one that brought Kayani to Fort Leavenworth. Those ties were restored when the United States re-embraced Pakistan after September 11, and new exchange programs are underway. But many American officials fret that a "lost generation" of mid-level Pakistani military officers has been created, one whose members loathe the United States and have none of Kayani's cultural ties to it. Certainly, anti-Americanism is rife in Pakistan, where the continued campaign of U.S. drone strikes against militants has driven Barack Obama's approval ratings to an abysmal 13 percent. Given such antagonism, the United States is extraordinarily fortunate to have a man with Kayani's Western-friendly background running Pakistan's army.

Unlike Michael Mullen, Kayani is the son of a military man, from a working-class area of Pakistan's northeastern Punjab province. Apart from a passion for golf—Kayani is the current president of the Pakistan Golf Federation—his life is utterly dedicated to the military. Kayani calls his army uniform his "second skin," and one of his first actions as deputy army chief was to spend the Muslim holiday of Eid Al Fitr with troops on the front lines. He studiously avoids talking to the press (although American officials say he keeps a close eye on U.S. news coverage of Pakistan), and, with his American guests, he is friendly but decidedly no-nonsense.

Kayani is a protégé of former president Pervez Musharraf, who put him in charge of investigating two attempts on his life in December 2003. Kayani, then a mid-level army officer who had commanded units along the tense border with India, impressed the president. ("When Kayani got tough, the problems of coordina-

JOHN MOORE/GETTY IMAGES

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tion disappeared and the agencies started working like a well-oiled machine," Musharraf later wrote.) He placed Kayani in charge of Pakistan's Directorate for Inter-Services Intelligence (ISI) in 2004, then named him his successor as army chief three years later. Kayani's term expires in October, but American officials don't rule out the possibility that he will be granted an extension or another top military job.

Though he holds no political rank, Kayani may be Pakistan's most powerful man—perhaps more so than the country's embattled president, Asif Ali Zardari. After the November 2008 terror attacks in Mumbai, for instance, Zardari promised India that he would send the current ISI chief, Ahmed Shuja Pasha, to New Delhi to cooperate with the investigation, according to Daniel Markey, a former Bush State Department official and Pakistan specialist. Kayani objected and, Markey says, "That [promise] had to be walked back." Kayani also played an integral role in brokering the return of former prime minister Benazir Bhutto in fall 2007, as Musharraf's grip on power was faltering, Markey says. And Kayani may have held the country together during a March 2009 political crisis. Zardari's chief political rival, Nawaz Sharif, was defiantly rallying his supporters in the streets of Islamabad, threatening the president's grip on power. Kayani refused Zardari's request to stop Sharif's march by force. But, according to David Ignatius of *The Washington Post*, Kayani did instruct Sharif to return home to Lahore—which he did. Despite this influence, however, Kayani is said to have no aspirations to the presidency, believing that military involvement in politics sullies the army's prestige.

But Kayani's campaign against the Islamists may pose a different sort of threat to the military's standing. Many Pakistanis fail to understand why their army is fighting its own people—and incurring severe casualties (2,400 dead so far, more than double the U.S. toll in Afghanistan)—when they consider India their true enemy and an existential threat to their nation. The perception that Washington is forcing Pakistan's government to do its bidding doesn't help. Taking on the radicals, says Nazir Butt, "was a big strategic decision, and a big policy U-turn, and the nation was not ready for that. Launching operations and fighting your countrymen is not that easy. But, somehow, this doesn't get registered in Washington." In this sense, Kayani, too, is taking a risk of his own. Assuming, that is, that he means to finish the job.

On the morning of December 16, 2009, Mullen and Kayani boarded a helicopter in Islamabad and flew a few dozen miles to the northwest, over the gorgeous Colorado-like mountain landscape of Pakistan's Swat Valley. Last spring, the picturesque valley was overrun by Taliban fanatics who torched schools—flogging, beheading, and sometimes even skinning resisters. After terrorizing Swat, the Taliban advanced to within 60 miles of Islamabad. By summer, the army had begun a counteroffensive that eventually drove the militants back. Now Mullen was seeing the restoration of Swat for himself. At one point, the helicopter passed over the Malam Jabba ski resort, which the Taliban had torched. "You know, Fazlullah used to be a chairlift operator at Malam," Kayani had told Mullen earlier, referring to a top Taliban commander. Back on the ground, the Pakistanis were eager to demonstrate their gusto for the chairman. From a high bluff, Mullen looked down as a few dozen Pakistani Frontier Corps troops reenacted the storming of a village, complete with live mortar explosions and attack helicopters zooming overhead.

On a flight from Islamabad to Kandahar that night, Mullen told reporters that he had once again been impressed by what he saw. "To see how much progress has been made—for all intents and purposes the insurgents are gone." Asked to grade the Pakistani army's counterinsurgency technique—which the United States has urged Kayani to employ in lieu of brute force that incurs collateral damage and breeds more insurgents—Mullen didn't hesitate. "It's exceptional. I give them an 'A.'" Though Mullen was not able to visit South Waziristan, he was pleased by reports of progress there. "Kayani laid out this plan to me in early 2009. He has executed everything he said he was going to do," Mullen said.

But the job is far from done. "It will be important for the army to continue its pressure in other areas of the FATA," says Shuja Nawaz, a Washington-based expert on the Pakistani military, referring to the Federally Administered Tribal Areas. The obvious next step is to pursue the militants into North Waziristan, home of Haqqani and his Al Qaeda allies. But, as recently as a December meeting with Petraeus, Kayani reportedly refused U.S. demands to pursue Haqqani. The general claims that his hands are full with operations in other areas. More relevant, perhaps, Haqqani has longstanding ties to the Pakistani military, which supported him during the Soviet era in Afghanistan. For now, Mullen seems to accept that there is only so much that can reasonably be expected from Kayani. "He's done an awful lot," Mullen replied when I asked about Kayani's reticence to take on Haqqani. "Over two hundred thousand of his troops are engaged. He's shifted from the conventional threat on the Indian border. … He's lost hundreds and hundreds of soldiers in the fight."

But then, Mullen returned to the essential question. "We *have* to get at the Haqqani network," he told me, "we *have* to get at the Al Qaeda safe havens." That cannot be done without Kayani's help. Ultimately, however, that step serves America's interests far more than those of Pakistan. Haqqani targets Americans, not Pakistanis. With their past ties to him, the Pakistanis also see Haqqani as a useful ally against possible Indian influence in Afghanistan, should the United States abandon the country as it did after the 1989 Soviet withdrawal.

For all the personal kinship, it may be that pushing Kayani to the next and hardest stage of his offensive will require old-fashioned realpolitik, a stronger appeal to his self-interest. Washington may need to offer Kayani not just better helicopters for counterinsurgency, but the thing Pakistan wants most: military hardware to defend against India. "Pakistan will drive the hardest bargain they can," says the congressional aide. If this sounds familiar, it's because it was the same dynamic that defined the relationship between Musharraf and George W. Bush, who sold Pakistan 36 F-16s in 2005—only to find that Pakistan was again cutting deals with the tribal-area radicals. "We have been telling ourselves for years that the Pakistanis are finally coming around. The hard truth is that the Pakistani army has played us very well," says a U.S. government official who focuses on the region.

Mullen is gambling that he won't be burned by yet another Pakistani double-deal. But there may be limits to what even the best-cultivated relationship can accomplish in a situation so tangled with old resentments and competing national interests. "One thing Mullen cannot do all by himself is to change how the Pakistanis look at America," laments a Pakistani official. "This is a very American way of thinking—that an individual can swing everything. It can actually put people here into thinking there could be solutions that don't really exist. So he can help the Pakistani military make certain choices, or help the Americans understand why certain choices are being made. But he cannot turn the ship of Pakistan in a narrow stream. Kayani can't, and Mullen can't." Let's hope he's wrong. ◆

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Stanley Kauffmann on Films

DISCOVERIES

Michael Haneke, whose new film is called *The White Ribbon*, has given it a subtitle: *A German Children's Story*. That is warning enough. This Austrian director is by now so distinctively established as a connoisseur of darkness—with *Funny Games*, about neighborliness as murder; with *Caché*, about the past seeping into the present; with *The Piano Teacher*, about the animal in the civilized—that his dainty subtitle must be seen as a deadpan tease. And so it proves.

THE WHITE RIBBON
Sony Pictures Classics

CREATION
Newmarket Films

The white ribbon itself, in a German village in 1913, is tied on children by their parents as an incentive to virtue. Haneke, who wrote the screenplay with Jean-Claude Carrière, begins with the voice-over of a former schoolteacher in that village speaking today, who says he must tell us what happened back there. The teacher as a young man then appears in the story. The older voice-over lends historical perspective and, as is usual with this device, eases transitions. As usual, too, it strains credulity, since the story includes much that happened when the teacher wasn't present—he mentions some things that he couldn't even have learned by hearsay; but by now the device is a workaday easement.

Haneke's first achievement is to set a small society in place. This village is part of the tail end of feudalism. Virtually all the local farmers depend to some degree on seasonal employment on the farms of the local baron, who is in effect the government of the area. Next in rank is the pastor, authoritative and strict; the last of the eminences is the doctor, middle-aged and troubled (including by sexual troubles that the teacher couldn't have known). The teacher, important though he is to the village and devoted to his work, is just an employee.

While Haneke is creating his very orderly society, he is also launching his anarchic drama. It starts with the doctor riding home on his horse one day. The horse trips on an invisible wire. The doctor is thrown, injured, hospitalized. The police briefly investigate the wire business—clearly a trap—but find nothing. (The police also investigate subsequent incidents and find nothing.)

The film then keeps three levels of action in play, the conventional and two others. In the first line, the teacher proposes to a seventeen-year-old girl, and her father insists, following custom, that the couple wait a year to make sure his young daughter is certain. Some other equally conventional matters of the day: before children go to bed at night, they kiss their parents' hands. The pastor lectures his adolescent son, Martin, on self-abuse, warning him of disease and death. But along with these run-of-the-village scenes come two ugly series. In one of them, a small boy is found tied up and beaten bloody, and a mentally defective boy has his eyes poked out. We know who the perpetrators are; we actually see some of the atrocities committed. The pastor's daughter kills his pet bird; a boy who is whittling a whistle is peeved because another boy has a perfect whistle and throws him into a stream, nearly drowning him.

The teacher is the only one in the village who begins to discover the truth about the children. All this violence, including the horse accident, is being done by some seemingly normal youngsters. Certainly these children are sternly used by their parents, which has fomented secret resentments in them. (The pastor has Martin's hands tied to his bedstead at night to keep him from masturbating.) But there is small connection between their treatment, not abnormal for the time, and their terrible acts. It is as if the parents had flipped small switches that set off explosions of latencies in their children. This seems a true Haneke theme—mass malevolence lurking in bland-faced children, waiting for a tick.

On the other hand, a second set of violent actions is more predictable. After a woman dies by falling through a rotten floor in the baron's sawmill, her son then goes out with a scythe and destroys the baron's field of cabbages. Later the baron's barn burns down. This second series of actions, where there is some match of motives and results, makes the children's depredations seem especially grotesque.

The film doesn't carry through with investigation or punishment. It simply stops—when the news comes about the Archduke Ferdinand at Sarajevo, and everyone's attention gets switched. In the last image of the film the whole village is gathered in their church; in the voice-over, the older teacher tells us that he was drafted, later left teaching, and became a tailor—and never saw any of these people again.

Once again, Haneke is concerned with uncomfortable verity about human beings. When he has shown what he wants to show, he concludes—in an almost abrupt way that, curiously enough, underscores the gravamen of the film. Presumably he set his story in Wilhelmine Germany because, before the so-called Great

ANTHONY RUSSO

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War, moral standards were more blazoned and prescriptive—a white-ribbon time. Moral twists were, as far as possible, denied. (When the teacher ultimately tells the pastor about his children's behavior, the pastor not only denies it furiously, he threatens the teacher with prison.) Haneke has set his film in 1913 as if to suggest that essentials of behavior have not changed much: only hypocrisies have changed. No more white ribbons.

The one bothersome element about the film is in some degree extrinsic. At the very start, the old teacher says he is telling this old tale because it "may clarify things that happened in our country." Several critics have expanded that wisp of a remark, concluding that the malevolence in the film predicts the rise of fascism twenty years later. This seems to me worse than far-fetched. It diminishes the horror of the whole Nazi era. What makes the blood freeze when we look at newsreels of the millions cheering Hitler is that most of those people were otherwise fellow human beings, raising families affectionately, filling jobs faithfully, and so forth, just like millions in other countries. What was terrifying here was that this could happen with otherwise recognizable people. The population of Germany, the membership of the Nazi Party, was not composed chiefly of people who had been exacerbated to malevolence when children. To think so is to lessen the terror. To turn the Germans into warped malevolents from the start is a step toward excusing them. Besides, if this film is a forecast of Hitlerism, why is there not the slightest mention of the anti-Semitism that was common in those days? A considerable gap in a prediction of the Nazi state.

Haneke himself gives very limited support—seemingly ex post facto—to this pre-Nazi view of his picture. In a recent interview in *Cineaste*, he refers to "the misunderstanding that gets incurred when critics receive the film exclusively as a film about German fascism.... This narrow reception would be a misinterpretation." No, this film stands stronger shorn of its alleged political prophecy. *The White Ribbon* fulfills its subtitle: it is a German children's story, with the implication that this behavior in children is not limited to Germany any more than his previous films were only about the places where they were set.

As for Haneke's handling of the material, his directing is immaculate. Every moment is the product of a penetrating mind and a steady talent. His casting makes us think he found these people living in that village. Outstanding are Burghart Klaussner as the self-assured

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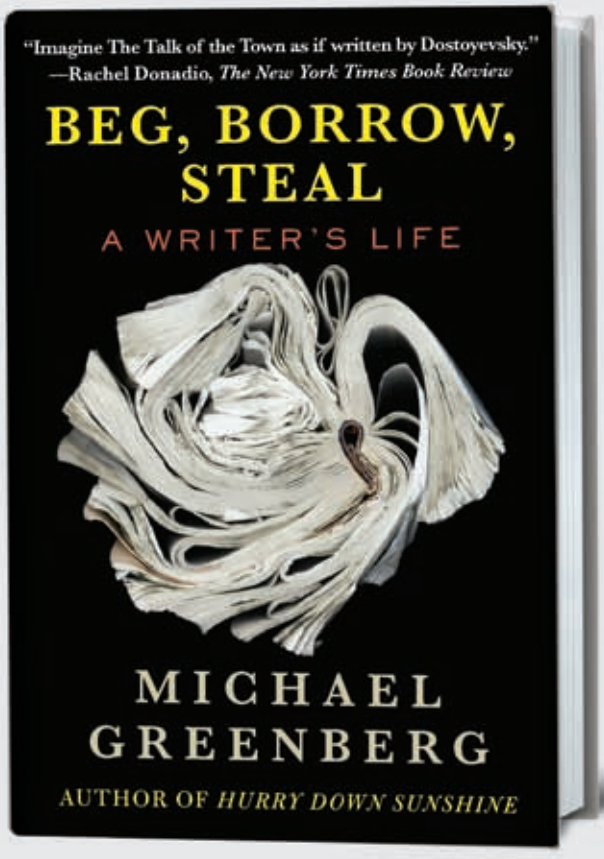
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pastor, Christian Friedel as the perturbed teacher, and Leonie Benesch as his shy beloved. The film was shot, neatly, by Christian Berger, in black and white which is so apt that it seems the only way it could have been done.

Creation is set in 1859 yet is a timely film. The subject is Charles Darwin and *On the Origin of Species*. Not many weeks go by in our lives without word of some school or state tussle about the teaching of evolution. Jon Amiel's film, with a screenplay by John Collee, means to tell us something about Darwin himself and the gigantic controversy that he began. He did not set out to crack theology, though he very soon found out that he was possibly doing it.

He had first studied medicine but then spent five years traveling around the world on the H.M.S. *Beagle*, an exploratory scientific voyage for which he was engaged as a naturalist and about which he wrote an important book. Back in England, married and comfortably off with family money, he moved to the country, where he and Emma Darwin had ten children, seven of whom survived childhood. Spurred by what he had learned on the *Beagle*, he began his work on the evolution of life. He bred pigeons and other animals. In a London zoo he became (one can say) friends with a young female orangutan and studied her learning ability. He soon learned, from arguments with the local pastor, about the gravity of his research. Thomas Huxley, who admired him, says, "You have killed God."

This registered with Darwin, of course, but it neither deterred nor inspired him. He was not a storybook courageous hero of science. He was, first of all, something of an invalid, with some loony ideas about treatment. (He built a water tower on his estate so that he could undergo hydrotherapy—drastic showers.) His scientific determination sagged, and his ten-year-old daughter Annie had to prod him. When she died, it shattered him: he began to see her in apparition, still prodding him. Finally he wrote his great book, but even then he was not sure about publishing it. He gave the manuscript to his wife, a religious woman with whom he had much disputation, and asked her to determine its fate. A few days later she handed him back the manuscript, wrapped and tied for shipment to a publisher, and we see him deposit it in the cart of the local postman.

If we suspect inflation of family details in the film, we can be reassured by Randal Keynes, great-great-grandson of Darwin, who wrote a biography of his ancestor. Keynes says of the film-makers: "They had a freedom that I did not have when I wrote my factual biography. They made very good use of it because they brought out truths … that I could only imagine, that I could only guess at."

The film italicizes what is fairly common in history: how nearly accidental some of the great turning points have been. Suppose Mrs. Darwin had advised her husband to burn the thing. The theory of evolution would have emerged anyway: others had been working on it, and Alfred Russel Wallace, as Darwin knew, was reaching many of the same conclusions. But it was Darwin who did it and who caused an immediate storm, which presumably will always keep thundering near or far.

Amiel's direction is serviceable enough; the dialogue has the scent of the period; the music by Christopher Young is incessantly lush. Paul Bettany has a tough job as Darwin to earn and keep our sympathy; despite Darwin's various vacillations, he succeeds. Jennifer Connelly, Bettany's actual wife, plays Mrs. Darwin and spreads some color in what might have been a pallid role. The total result is a fascinating view of quotidian lives surrounding an event that many see as the secular replacement of Eden. ◆

Jed Perl on Art

VENICE IN TEXAS

Combine a mystery and a masterpiece and what do you have? You have "Paolo Veronese: The Petrobelli Altarpiece," a small, perfectly focused exhibition recently at the Blanton Museum of Art at the University of Texas at Austin. The show—which has also been seen at the Dulwich Picture Gallery in London and the National Gallery of Canada in Ottawa—comes with a backstory engaging enough to make museumgoers pay close attention.

In the 1560s, already in command of his genius for opulent decorative effects, Veronese painted a vast altarpiece for a Franciscan church in the town of Lendinara, not far from Venice. Two centuries later, after the convent with which the church was associated was suppressed, the altarpiece was acquired by an art dealer, and he cut it into pieces and sold them off one by one—"just like meat in a butcher's shop," as the Scottish artist Gavin Hamilton observed at the time. Only now, after decades of work resolving the relationship of fragments in London, Edinburgh, and Ottawa, plus the recent discovery of a fourth fragment in Austin, can we see what Veronese had in mind. No matter that several pieces are still missing and are unlikely to be recovered: the Petrobelli Altarpiece, some fifteen feet high, turns out to be an astonishingly powerful meditation on themes of mortality and immortality. Veronese brings a luxuriant gravitas to his representations of saints and sinners alike. The canvas, for all its bold public appeal, has undercurrents of haunted, dusky reverie.

PAOLO VERONESE: THE PETROBELLI ALTARPIECE
Blanton Museum of Art

Mounted in one of New York's major museums, "Paolo Veronese: The Petrobelli Altarpiece" would be hailed as exactly the kind of brilliant, concise exhibition we need in these recessionary times. In Austin, the exhibition was embraced by a loyal audience that has come to expect world-class scholarly work from the curators at the Blanton. When I was last in Austin, a little over a year ago, the museum was host to a show unlike "The Petrobelli Altarpiece" in every respect except its sky-high quality. This was "Reimagining Space: The Park Place Gallery Group in 1960s New York," organized by Linda Dalrymple Henderson, an art historian at the University of Texas. Henderson brought unexpected shadings to our understanding of New York in the 1960s by focusing on a group of artists—among them Mark di Suvero, Robert Grosvenor, and David Novros—who were re-imagining the old Abstract Expressionist swagger in terms of their own increasingly hard-edged, conceptual, and technologically oriented sensibilities. And two years before that, Jonathan Bober, the curator of European art at the Blanton who is responsible for bringing the Veronese show to Austin, organized a retrospective of the sixteenth-century Italian painter Luca Cambiaso. He is best known today for his geometricized drawings of the human figure, which have long had a cult following among painters, who see their sharply angled forms as a prefiguration of Cubism. In his paintings,

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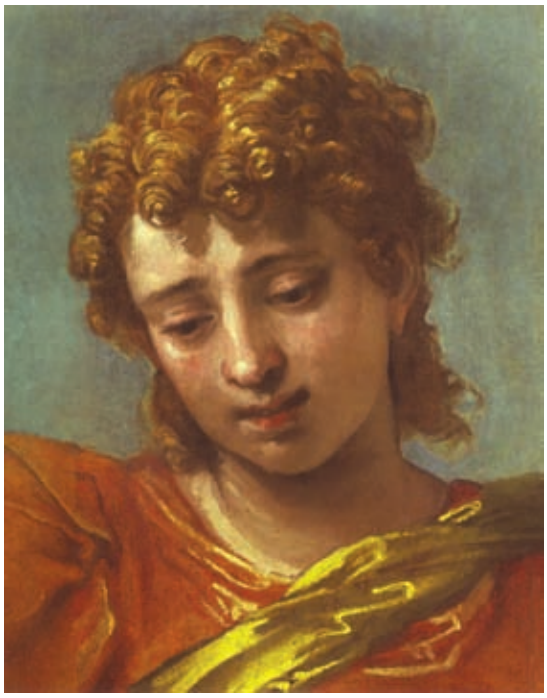
Cambiaso's mingling of analytical rigor and poetic fantasy occasionally brings to mind the uncanniness of Uccello. The Blanton was the only American venue for this unprecedented event.

"Paolo Veronese: The Petrobelli Altarpiece," "Reimagining Space: The Park Place Gallery Group," and the Luca Cambiaso retrospective epitomize a kind of offbeat, imaginative programming that is at risk in our museums even in the best of times, and is most certainly at risk today. There are perfectly good reasons why museum administrators prefer brand-name events. Monet—or, for that matter, Warhol—has a proven track record when it comes to bringing in a reluctant public. And if you seek sponsors for a Monet show, you won't have to cope with the blank looks with which the name Cambiaso will be received. Innovative curators such as Bober and Henderson are fighting an uphill battle, no question about it.

Ned Rifkin, the new director of the Blanton, arrives at a museum where there is surely a desire to enlarge the audience for art in Austin. This is an altogether honorable objective. For the Blanton, which has in recent years considerably expanded its operations, fundraising is perhaps more of a priority now than ever. One has only to consider the museum's ambitious new building complex, which opened in stages between 2006 and 2008. There are civilized, invitingly proportioned galleries for the museum's permanent collection, with strengths in mid-twentieth-century American painting, in modern Latin American art, and in late Renaissance, Baroque, and Rococo painting, drawing, and printmaking. There is also an unfortunate tendency toward gigantism in these interiors, beginning with a sky-high atrium and formal staircase that a visitor cannot help finding simultaneously overbearing and bland. Behind such overblown public spaces—you see them in new museums all over the world—there is the assumption that if you build it big, big crowds will come. The truth is that the people who do come end up feeling small.

But what is the Blanton to do in these straitened times? A few months ago the National Endowment for the Arts released a rather bleak "Survey of Public Participation in the Arts," indicating that although museums were faring better than other cultural institutions, attendance at art museums and galleries was down to 22.7 percent of the adult population in 2008, from a high of 26.7 percent in 1992. Frankly, I think there can be too much anxiety about that missing 4 percent. We are not selling Pepsi here. We are selling the experience of Veronese. Anybody running an arts organization must attend to the bottom line: we can all agree about that. What I would like to hear from more museum directors is an insistence that in a country as wealthy as this one—and this is still a rich country, recession or no recession—museums have an obligation to present the finest work in the most uncompromising way, because in the long run that is how you sustain a culture.

So far as I can see, that kind of old-fashioned thinking has powered some of the most exciting exhibitions at the Blanton, exhibitions in which the best art historical scholarship, closely linked to the academic values of the university, flows seamlessly into the dazzling showmanship that any museum needs to attract the public. And many of these exhibitions are supported by important catalogues, contributions to culture that museum patrons ought to be proud to leave out on the coffee table long after the show has closed. Is "Paolo Veronese: The Petrobelli Altarpiece" a life-changing show? Of course not. But it is a powerful example of a medium-sized museum building on its strengths and coming up with something truly substantial.



Paolo Veronese, *Head of Saint Michael*, 1563

For decades there had been a mystery as to what precisely was at the center of the Petrobelli Altarpiece, because the large fragments in London, Edinburgh, and Ottawa came only from the top and the left and right sides of the canvas. The conservation of figure groups in London and Ottawa had revealed fragments of a missing figure, apparently the Archangel Michael, a sword in his right hand, a scale for weighing souls in his left, his feet firmly planted on the sprawling and defeated figure of Satan. But what that figure of Saint Michael looked like was anybody's guess, until Xavier Salomon—a curator at the Dulwich in London who co-organized the show with conservator Stephen Gritt—remembered seeing a head of an angel by Veronese on a visit to the Blanton, and the mystery was solved. Art historians love this kind of whodunit. So does the general public. All you need are a few bankable movie stars and some ecclesiastical-satanic twists and you would have a Dan Brown–style Hollywood hit.

In Austin it also did not hurt that the region's large Catholic community came out to see a masterpiece of sixteenth-century religious art. One afternoon I found myself looking at the painting along with a group of boys and girls in their early teens who were being homeschooled, and were taking in Veronese as part of the day's studies. They were engaged not only by the story of how the pieces of the puzzle were put together, but also by the beauty of the painting itself. To see those children and their parents at the Blanton was to see elite culture working its magic in a democratic society.

THERE IS NOTHING in the art of the old masters that exerts as much of a fascination today as Venetian painting. The public, without necessarily realizing it, finds the origins of modern art's exuberance—of everything from Matisse's color to de Kooning's brushwork—in the painterly poetry that was evolving in Venetian art from the late fifteenth century onward in the work of Giovanni Bellini, Giorgione, Titian, Veronese, Tintoretto, and others. The Blanton show, which included four canvases by Veronese and his workshop in addition to the altarpiece, was one of a considerable number of events that have in recent years focused on the Venetian Renaissance. Last summer, the Museum of Fine Arts in Boston was host to "Titian, Tintoretto, Veronese: Rivals in Renaissance Venice," the first exhibition at that museum to inspire real enthusiasm among artists I know since the Chardin

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retrospective in 1979. Three years ago, the National Gallery was host to "Bellini, Giorgione, Titian, and the Renaissance of Venetian Painting." And in Europe there have been recent exhibitions devoted to Giorgione and late Titian at the Kunsthistorisches Museum in Vienna.

While the Blanton show cannot rival any of those exhibitions in artistic splendor, there is a particular pleasure in looking at a work such as the Petrobelli Altarpiece in something approaching isolation. This is, after all, how such devotional works were meant to be seen—as one-off experiences, not as paintings surrounded by other paintings in an art gallery. The generously proportioned room in which the altarpiece hung in Austin may well have echoed the scale of the space, long ago demolished, where the canvas was first seen. Certainly in Austin, Veronese's conception, in equal parts dramatic and contemplative, had a chance to work its magic. The setting is a portico, with huge columns framing green distances, impressive hills, and a vast cloud-studded sky. In the altarpiece's arched upper regions, the dead Christ appears, borne aloft by three angels and surrounded by cherubs holding the instruments of the Passion, especially the crown of thorns and the whip used for the thirty-nine lashes.

At the very center of the composition stands Saint Michael, of whom nothing survives except the beautiful head in Austin, with its softly sensuous features, gently downcast gaze, and cap of golden curls. Framing Saint Michael are two pairs of figures, the Petrobelli cousins and their patron saints, with Antonio Petrobelli kneeling beneath Saint Anthony Abbot on the left and Girolamo Petrobelli at Saint Jerome's feet to the right. In a scheme not unusual among Renaissance altarpieces, there is a mingling in Veronese's fictive space of different temporal and moral and spiritual worlds. The Petrobellis who paid for the altarpiece and live in the here and now are permitted a certain access to the saints and to the angels and even to the figure of Christ.

For anybody who counts on Veronese for a ripe theatrical atmosphere, with figures in chaotic profusion and compositions that are dynamically twisted and angled, the Petrobelli Altarpiece will come as something of a surprise. The luxuriant rhetoric that is one of Veronese's glories is subdued here. His coloristic rubato and his hyperbolic dramaturgy are energizing a composition that is essentially stable, almost Byzantine in its formality. The tastes of Veronese's patrons in Lendinara were probably a factor, for what was wanted in a small town may well have been a painting that would have looked retrograde by the up-to-the-minute standards of Venice. Much of the fascination of the Petrobelli Altarpiece is in how Veronese engages with what might be seen as a conservative structure. He deploys his most sophisticated sense of color and movement to animate an older idea of figures as relatively isolated sculptural groups in a composition that is hieratic rather than dynamic, the structure reminiscent of Giovanni Bellini's work around 1500. The result is a radical reconsideration of what might be regarded as conservative values—not a loss of strength but a different kind of strength, a drama that is psychological rather than physical, with a more concentrated emotional temperature than we generally associate with Veronese's maturity.

Especially astonishing are the two groups of male figures, with the Petrobelli cousins, strong-willed middle-aged men, kneeling in black before the towering presences of their patron saints. The theme of worldliness subdued, not uncommon in Renaissance art, is approached with particular urgency, so that you feel the conflict between self-assurance and submissiveness played out on the Petrobellis' lively faces. Girolamo kneels right next to Saint Michael's scale, on which a tiny trembling soul is being weighed. It is chilling to turn from that homunculus to the strong man, with his sleek beard and hands held in prayer, who gazes up at the enfolding figure of Saint Jerome. But nothing here is more beautiful than the interaction between Antonio Petrobelli and Saint Anthony Abbot, the saint bending down to instruct the man, the man's finely shaped head with its close-cropped hair seen in strict profile, a head from a Roman coin now stamped with Christian piety.

The play of gestures in the altarpiece revolves around the dynamic figure of Saint Michael, with one arm raised and one arm lowered, as he weighs souls on Judgment Day. The outflung arms of Antonio are opposed to the praying hands of Girolamo. The downturned, instructing hand of Saint Anthony Abbot is opposed to the raised arm of Saint Jerome. And the men, even as they play their appointed roles, also suggest an allegory of the three ages of man. Michael is the beautiful youth who so fascinated the poets and painters of the Renaissance. Antonio and Girolamo represent the self-awareness of middle age. And Saint Anthony and Saint Jerome exemplify the contemplative wisdom of the old.

The painting has all the full, deep color of the Venetian Renaissance at its height: the velvety purples, the shimmering blacks, the wild greens and oranges. Here are the beginnings of the sense of color as pure sensation that became a keynote of Symbolism four centuries later. And as with all the great Venetians of the sixteenth century, Veronese's painterly power has sculptural resonances. He creates a feeling of massiveness through the manipulation of color itself, recalling a Byzantine world where the shimmer of golden icons and mosaicked domes was a focus for ritual and prayer. In the Petrobelli Altarpiece, an artist at the height of his powers revisits the traditions from which his art emerged. The result is a plangent conservatism, a virtuosic primordialism. Even as Girolamo and Antonio are confronting the states of their own souls, Veronese is confronting the soul of Venetian painting.

"Paolo Veronese: The Petrobelli Altarpiece" demonstrates how a museum can build an innovative exhibition program on the foundation of a solid permanent collection. Veronese's head of Saint Michael arrived at the Blanton in 1998, as part of the Suida-Manning Collection, at that time the largest gathering of Old Master work still in private hands in the United States, with some 260 paintings and 400 drawings. This collection, put together by two generations of a family of art historians, had been an object of considerable interest among some of America's major museums, where there had been hopes of cherry-picking its greatest hits. That the Blanton managed to acquire the entire collection was a coup. This involved convincing the heirs and some people in Texas that the museum needed a wide-ranging collection of Old Master paintings and drawings. The Suida-Manning Collection includes, in addition to paintings by Veronese and Claude Lorrain, an extraordinary gathering of work by Cambiaso and other figures mostly esteemed by specialists and connoisseurs.

In 2002 the Blanton brought off another miracle. The museum acquired the print collection of the art historian Leo Steinberg, a trove of some 3,200 works that contains, in addition to highly desirable images by Picasso and other famous artists, a huge group of prints meant to chronicle the importance of reproductive processes in the dissemination of Renaissance and Baroque art. This will be an invaluable resource for scholars. Jonathan Bober, who had a hand in bringing both the Suida-Manning and Steinberg collec-

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tions to Austin, has spoken about organizing a show that would focus on prints related to the art of Michelangelo, a project that could double as a salute to Leo Steinberg's pathbreaking studies of the Italian Renaissance.

At a time when high culture is often dumbed down, forced to fit some ill-examined notion of what the public wants, there are museum people at the Blanton who have refused to lower their sights. Even after you have factored in Austin's long tradition of intellectual sophistication, there is something rather extraordinary about the amount of money that has been raised to support a program of collections and exhibitions at the Blanton that has focused, among other things, on the byways of late Renaissance and Baroque painting and printmaking. To a visitor from the east, the best developments at the Blanton do not seem entirely unrelated to the other extraordinarily sophisticated and even rarified museological adventures in Texas, the Menil Collection in Houston and the Kimbell Art Museum in Fort Worth.

Each of these museums is of course a unique institution, the product of singular circumstances, but high culture is in some sense always an accretion of anomalies. What is interesting is that in the Lone Star State, where there is a lot of money that is often dismissed as dumb money, some of it turns out to be culturally astute money. The hankering for the loftiest artistic experiences arises everywhere and anywhere in a democratic society, and when somebody addresses that need, there is a public that comes. At the Blanton, there are curators and administrators who have never doubted that Texans might care about Luca Cambiaso, about the Park Place Gallery group in 1960s New York, about Veronese's Petrobelli Altarpiece. Is it odd to be contemplating the glories of the Venetian Renaissance in Austin? After you have spent an hour before the Petrobelli Altarpiece, it can seem like the most natural thing in the world. ◆

Fouad Ajami
THE FURROWS OF ALGERIA

THE GERMAN MUJAHID
By Boualem Sansal
Translated by Frank Wynne
(Europa Editions, 240 pp., $15)

I.

From the terrible Algerian slaughter, and its terrible silence, comes this small tale, told by an officer of the special forces who broke with "Le Pouvoir" of his own country and sought asylum in France. It is the autumn of 1994, deep into the season of killing. An old and simple Algerian woman, accompanied by two of her children, comes to the army barracks, to the very building where the torturers did their grim work, in search of her husband and her son. The two men were there; they had already endured three days of torture. The woman was quite certain where the men were being held. It was the same place, she told the astonished young Algerian officer, where the French held and tortured their prisoners during the "war of liberation" decades earlier. Her husband had been an old *mujahid*, a soldier in the holy war, and had known imprisonment under the French—and now again, during this most recent time of horror and sorrow. The old woman was never to see her husband and her son again. They perished in the ordeal of the new Algeria.

We shall never know, with precision, the numbers of Algerians who perished in the civil war that broke out in 1992. The Algerian rulers, not known for their fidelity to truth, and with so much to hide, owned up, in 1999, to a toll of 100,000 lives. More reliable estimates by Algeria's civic organizations put the toll at 200,000. The killing went on, a veritable hell, on the shores of the Mediterranean, some five hundred miles south of Marseilles. This was not the "African darkness" of Rwanda and Burundi; this was not the isolated jungle of Cambodia. The killing went on in the Mitidja plains, a stone's throw from Algiers. Meanwhile, in the Sahara, the work of the oil industry, and of natural gas, went on uninterrupted. An internal passport was needed for Algerians to gain access to the oil and gas fields. Expats and lucky Algerians lived here, behind high walls and checkpoints, guarded by the most sophisticated means of surveillance. The generals were unapologetic: this was *l'Algérie utile*, useful Algeria, sealed and off-limits to the terror. The generals and the men in the ruling party needed the money for their wives and their children, for the plunder and the structure of repression that they had put in place.

The war had begun, if a beginning can be assigned to it, in the fall of 1988. Riots swept the principal cities as the young took to the streets. Their grievances were bottomless: underemployment, a lack of basic consumer goods, rising food prices, the monopoly of the *nomenklatura* of the ruling National Liberation Front on power and privilege and opportunity. A quarter-century after the glory of independence, the Algerians tired of their own rulers. This was a ferocious revolt, and a harbinger of much grief to come. Government buildings and state-owned properties were sacked, and several hundred demonstrators were gunned down by the forces of order. Chadli Bendjedid, a colorless, mediocre man at the apex of power, but in truth a front man for the brigade commanders and the security services, was cast in an impossible role: he was at once the cop and the would-be emancipator. And when the riots were put down, Bendjedid (the spitting image of Jeff Chandler, one of Hollywood's leading men in a bygone era) was repentant. He told his people that he understood the message of their revolt, and conceded that many of those detained had been subjected to torture, and promised that the state would change its ways and open up the political system. Here was the Algerian Gorbachev. And as in the case of the Russian Gorbachev, the rot was deeper than he could comprehend. The bond between rulers and ruled had ruptured. The order had used up its myths. And there remained the fearsome officer corps: the state, Algeria in its entirety, had been their *ghanima*, their war booty, seized from the French in the war in which a million *shuhada*, a million martyrs, had fallen.

The doors to power were suddenly ajar, and the Islamists rushed in to fill the void. The Algerians were keen to teach the *nomenklatura* a lesson, and so countless voters gulped down a beer or two before they cast their votes for an Islamist opposition, Le Front Islamique du Salut (FIS)—the Islamic Salvation Front. In June 1990, the FIS handed the ruling party an overwhelming defeat in the municipal elections, and then trounced the ruling party again in the first round of

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legislative elections in December 1991. This was a broad, inchoate Islamist movement that had emerged from the deprivation and the anger. A philosophy professor was one of its leaders, but its rank-and-file were not philosophically inclined. They were merciless men keen to impose their reign of virtue and terror on an "ungodly population." They had no serious political rival. For the new men draping their desire for revenge and hegemony in Islamic colors, the time for retribution had come.

Before long, two armed camps would divide the country: Hizballah, the Party of Allah, and Hizb Fransa, the Party of France. Jeans were yielding to *kamis* in the urban alleyways, and the Islamists quickly imposed their writ on "liberated zones" they claimed as their own. Smoking was banned, as was the reading of magazines. The movement of women—to schools, to their places of employment—was severely restricted. The "Afghans" made their appearance in the land—the mujahedin who had done holy battle against the Soviet Union in Afghanistan. They were easily recognized by the paratrooper pants they wore, the long beards streaked with henna, the kohl around their eyes.

But meanwhile the generals were girding for battle, and in January 1992 they called off the scheduled national elections, sacked Bendjedid, dissolved the Islamic *communes*, and hauled off to prison the leaders of the FIS. In his book *La Sale Guerre*, or *The Dirty War*, which appeared in 2001, Habib Souaïdia, with a military officer's knack for unadorned fact, captures the great tension, and panic, of this time. The lines were drawn, even in the ranks and in the military academies: it was the *kaffirs,* the heretics, versus the traitors. The generals cast about for a titular figure, another front man, and they found him in Mohamed Boudiaf, one of the "historic leaders" of the war of liberation, a decent man who had been biding his time in a long exile in Morocco. He was brought in by the dominant cabal in the army, the *Janvieristes*, named for the coup they had mounted in January of the same year.

But Boudiaf still had the decency of his early break with the ruling party: he spoke openly of the "mafias" that controlled and plundered the economy. In June 1992, he was struck down by an officer of the presidential guard. The military cabal was done with the "historic leaders." No one believed the official story that the assassin was an Islamist who had acted alone. In Habib Souaïdia's words, Boudiaf was caught between the hammer and the anvil: he was loathed by the Islamists for his unyielding secularism and detested by the "deciders" in the military for his campaign against the privileges of a ruling caste. Boudiaf disappeared as suddenly as he had appeared—a parenthesis, says Souaïdia, in the drama.

In the escalating war, the generals certainly proved their mettle: they killed without pity. They were also skilled in exploiting the fissures in the ranks of the Islamists and the travesties committed by the terrorists. In hindsight, we can grasp the cold-blooded and chilling efficiency of the Algerian military. The war to which they summoned their men was in truth a war against the population. There were standing orders for army units to stay in their barracks even as massacres were being committed nearby. The military said that it was important to terrorize the terrorists—which they did, and the Algerian population as a whole in the process. And there were also the "dirty tricks"—the killer squads of the army and the special forces and the Département du Renseignement et de la Sécurité (DRS) donning the attire of the Islamists, false beards and all, and taken by helicopter to targeted towns and villages to perpetrate frightful massacres. "Fear must change sides," the commanders exhorted their men. A killer colonel, surveying his command by helicopter, summed up the attitude of the cabal: "We are to spare no dog, no cat, no mules, no donkeys, and naturally, no Islamists. Each one of our soldiers is worth ten Islamists, be vigilant and merciless."

The corpses piled up, and no witnesses were to be left behind. There was a massacre strategy at work. The terror was pervasive, but targeted: the assailants knew their victims, sought them out, slaughtered entire families. Men and women were cut down by chainsaws. A boy who peddled cigarettes in the streets was killed in cold blood: an informer for the terrorists, it was said. Women suffered an ordeal all their own. The Islamists singled them out. Untold numbers of them were kidnapped, forced into *zawaj al motaa* (marriages of convenience) with the jihadists before they were murdered. The secret police had their own way with the young women: they had the *kabous et carta*, the gun and the professional badge, and so they blackmailed the women, forced them into sexual liaisons, and then turned them into informers.

Bodies turned up everywhere, even on treetops, dumped from the helicopters, and the grim practice of burning the cadavers developed. The other victims were buried, unrecognized, as "*l'Algérien X*." The forces of order and the Islamists were alike in their greed. They raided jewelry stores and extorted merchants; death came to those who paid and to those who did not. There were terrorists—the Tangos, they were called by the military—who posed as soldiers and soldiers who posed as terrorists. For the colonel who wanted to eradicate all the Islamists, along with the dogs and the cats and the mules, there was a prominent Islamist leader who told his men that the road to paradise was made easier, and a sure thing, if one beheaded a paratrooper. No need to bring back the bodies, one commander decreed, just the heads. The only bodies displayed atop military vehicles were the bodies of well-known Islamist leaders, to teach the population a lesson. Hooded men did what hooded men do in places where killers and their victims know each other. One young woman recognized her physics teacher hiding under his hood.

For all its radicalism, and for the temperamental violence of Ali Belhadj, one of its pre-eminent leaders, the FIS still bore the mark of its early beginnings. It had hoped to win through the ballot box. It sought to endear itself to the population, with the usual mix of social services that are the familiar trademark of the Muslim Brotherhood in the Arab East. But two or three years into the terror, the Algerian war was to hatch a true monster, the Groupe Islamique Armée (GIA). Indisputably, the GIA was a bastard child of the encounter between the Islamists and the security services of the regime. The mercy had drained out of the Islamists; they had lost faith in their ability to push the *nomenklatura* aside. For their part, the military commanders got the opposition they wanted—a nihilist breed who would scare the people and push them into the arms of the security forces. The terror and its dirty tricks had done its work: the ranks of the GIA included killers for hire, Islamists who had been turned around by both torture and inducement, and genuine fanatics making war against God's enemies.

Kill the adults to punish them, kill the children to save them: this was the code of the GIA. In the catacombs of this fight to the death, hell had found its enforcers. Many false emirs came out of the bowels of the security forces. The GIA could not win: this was a big country and a regime with means. (The oil despotisms must always be seen as a case apart—they can kill as long as the revenues keep flowing in.) For the military establishment, that was the sweetness of the thing: it was not

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pretty, but it was deliverance nonetheless. It was hard to do the decent thing in this war. The scruples of Habib Souaïdia, and no doubt the scruples of so many good people caught between the two horrific camps, landed him, and them, in prison. Souaïdia had always wanted to be a soldier, but now he found himself in the company of assassins, brigands, and thieves. He arrested terrorists at great risk to himself and his men, only to see them released by his superiors. He grasped early on that for the army command, the soldiers and the police were cannon fodder. Clan wars made their way into the ranks, as the top commanders fought for privilege and turf. Reality mocked all custom and all tradition. The violence grew particularly intense during the holy month of Ramadan, when the Islamists upped the ante because "martyrdom" in the course of that month had great religious merit. And the army command obliged.

II.

It is no wonder that the Algerians needed a breathing spell before the silence could be breached and the truth told. A civil concord was declared in 1999, and an old retread from the ruling hierarchy, Abdelaziz Bouteflika—a foreign minister in the days when Algeria strutted on the world stage as a leader of the non-aligned movement, and then spent a decade in exile—was thrust to the presidency of the republic. Algerians still could not be sure that their world had been brought back from the abyss. Bouteflika and the guardians of order were ready to be done with the violence, but there was to be no truth and reconciliation here. It was best, Algerians were told, not to look back. "Amnesty and amnesia" was the Algerian way out of the slaughter.

Yet some Algerians were to find their voice, and in the literature of reckoning there is a special place of honor for the work of Boualem Sansal, particularly for his extraordinary novel *The German Mujahid*. Published by Gallimard, in 2008, under the title *Le Village de l'Allemand, ou Le Journal des Frères Schiller* (*The Village of the German, or the Diary of the Schiller Brothers*) this unsparing work of fiction is set—no, it is embedded—in that dirty war, which it renders it with uncompromising honesty. Its author, we are told, was born in 1949. He studied engineering and attained a doctorate in economics. By the arithmetic of it, he would have been thirteen years old when the French gave up and left in 1962 after the savage war of liberation. That is, he would have come into his own amid the high hopes of the Algerian revolution. Sansal served in the Ministry of Industry until 2003, when he was dismissed because of his writings. He continues to live in Algiers with his wife and two daughters. His first novel, *Le Serment des Barbares*, won a prestigious prize in France in 1999, and *The German Mujahid* is evidence of an honest man who is keen to bear witness to the horrors of his country's history.

As though Algerian reality did not provide Sansal with enough material, there falls upon this great work also the shadow of the Holocaust. Based on a true story, we are told by Sansal and his publishers, the larger inspiration for his novel comes from the work of Primo Levi. Somehow the Shoah had found its way into the remote Algerian countryside. Sansal's narrative tells the story of two brothers born in a small village to a German father and an Algerian mother, and raised in France by an old friend of the father from the days of the war of liberation. Hans Schiller, the German father, had been in the Hitler Youth and served in the SS. Before this material, Sansal does not flinch. Arabs have had the hardest time dealing with the Holocaust—there has been denial, and an insistence that the numbers, the six million, were a premeditated fabrication, and protest that the dark history was no affair of theirs, and an odd "resentment" that the Jews have this history of victimhood—but Sansal sails directly into the storm.

Nazi fugitives sought shelter, after all, in Cairo, Damascus, and Algiers. There were scientists among them, and propagandists, and military officers and doctors of death, and an Orientalist or two, and, of course, experts on "the Jewish question." They had been taken in by their Arab hosts, and given the chance to bury their past. They were much-admired men, persecuted men on the run who had done battle against the Anglo-American world, and against the Jews who pulled the strings in the Western democracies.

And so a certain Hans Schiller—he is "the German *mujahid*"—had made his way to a remote village called Aïn Deb, "The Donkey's Well," in Algeria. He was in middle age, a man of forty-five, when he came to Aïn Deb, and he was never to leave the place again. He married the beautiful eighteen-year-old daughter of the local sheikh. And he fathered two sons: Rachid Helmut, the older of the two, nicknamed Rachel, and a wild younger son formed in the anarchy and violence of France's Muslim quarters, Malek

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Ulrich, known as Malrich. Rachel made a success of his life in France. He studied hard, and married well, and worked for a big multinational company—aided, no doubt, by the Germanic looks he had inherited from his father.

The old Nazi horrors and the new Muslim terrors came together on the eight o'clock news in Paris on April 25, 1994. Aïn Deb, once "a bubble beyond time," was the lead story that day: armed men had stormed the village and cut the throats of thirty-eight of its inhabitants. The GIA had done it, Algerian officials said. Rachel scrambles to learn of the fate of his parents from the Algerian embassy in Paris. At first he is told that there were no Aïcha and Hans Schiller on the list of the Islamists' victims. But the embassy man said that there were two names, Aïcha Madjali and a Hassan Hans, known as Si Mourad. This was Hans Schiller and the daughter of the local sheikh, the parents of the Schiller brothers.

Algeria had always hovered over the lives of the brothers as they negotiated their new world in France. It was the Algeria of the emigrants and of the imagination, the "North Star" of the emigrants' memory. The real Algeria, on the other side of the Mediterranean, had its own life—pillage and terror and rulers "actively preparing for the end of days." The talent that had taken Rachel into the mainstream of French corporate life, his meticulous attention to detail, now pushed him back into his past, and into his parents' world. He embarks on a quest that carries him all the way to Algeria, and then further back into his father's German world and the death camps of the Third Reich in Poland. This was his road to Damascus, he said.

Rachel conquers his fear of Algeria's ghosts and sets out to visit Aïn Deb and the graves of his parents. "Schiller, what is that … English … Jewish?" the man at the Algerian consulate asks. No, it is Algerian, and they and dozens of their neighbors were massacred on April 25 in Aïn Deb. "Oh, yes, Aïn Deb … You should have said." He is issued an Algerian passport, after much waiting and pleading. "God, it must be degrading and dangerous to be Algerian full time." He pushes aside his wife's objections, and arrives in an Algeria altered by the terror.

A journey deep into the countryside, a dark pilgrimage of three hundred kilometers from Algiers, takes him to the *bled*, his ancestral village. Sansal is exquisite in his rendering of landscape; in his depiction of the connection between man and his physical setting, he puts one in mind of Cormac McCarthy. It is a solitary landscape, the world of Aïn Deb—"bare, rugged, silent wasteland ringed by infinite horizons.… In mathematical terms, I'd say that by some quantum shift we seem to have entered non-Euclidean space; there are no signs, no landmarks here that a human being can relate to, there is no sense of time, no possible human compassion, nothing but an insistent drone like the echo of some cataclysm from before the flood." The people who settled here were "clearly trying to hide from the world." Yet this was where Rachel was born, and had played in childhood enchantment: he carried in his memory a more contented place. The villagers who survived the carnage remember him as Rachid, Sheikh Hassan's son, and they take him in. The little Arabic he learned in Paris proves useless, but still he tries, in an argot of French, English, German, and the "crumbs of Arabic and Berber" that he remembered.

Rachel returns from Algeria a different man, a man with terrible secrets. He keeps what he learned to himself, and confides only to a diary, which he hides from his wife, and from his younger brother. What happened in Aïn Deb was that Rachel stumbled upon an old suitcase that contained his father's files, and his trail. There were three medals in the suitcase: the first had the symbols of the Hitler Youth; the second was a medal from the Wehrmacht; the third bore the insignia of the Waffen SS. There were photos of his father as a young man, and then older in a black SS uniform. There were more recent photos from the time he was in the Algerian *maquis*, the war against the French. In one photo he is standing next to a "tall, bony guy with a haunted look wearing battle dress, smiling like his teeth hurt." Rachel recognized the bony guy. He was Houari Boumediène, the leader of the Algerian *maquis*.

In the suitcase there were also newspaper clippings in French, English, and Italian, dispatches about the Nuremberg trials, about Bormann, Göring, Hess, and others captured later, Eichmann, Stangl, Barbie. There were Algerian documents, one of them signed by Colonel Boumediène in 1957, appointing Si Mourad an advisor on logistics and weaponry. A battered little booklet in the suitcase gave Hans Schiller's history and military record: his birth in 1918 in Uelzen, his education and degree in chemical engineering, his regimental number. Schiller had risen to the rank of captain, and he was a hero, having been wounded "a bunch of times and decorated over and over."

So the man who had made his way to Aïn Deb, who was good at making things run, the man known as Si Mourad, had been in his earlier years a killer, and worked in places that meant nothing to his neighbors and his children: Dachau, Drancy, Auschwitz, Buchenwald, Majdanek. It would have been the better part of wisdom to leave this history alone, but Rachel peers into the shadows, and he cannot turn back. He goes to Uelzen, where he is jolted by the ordinariness of the place, so unlike the "grief and distress" he had expected. The terrible history he was looking for "had been erased, forgotten, swept under the carpet." He is on the verge of giving up, but a chance encounter on a park bench throws a floodlight onto the past: an old man remembers good old Hans, he last saw him in June 1941. But the old man has nothing else to offer, except that Hans was called to duty and did his duty. It is all ancient history, the old man says, he was the last of the Uelzen boys from the days of the war. "My family and your family and many other families had died in the bombings."

Rachel's diary captures the coming apart of a man's life under the weight of a terrible knowledge. The marriage to a local beauty, the comfortable house, the career in a multinational: all of it gave way. "My house has crumbled, grief has made me powerless, and I do not know why my father never told me." He learns at great cost to himself that trying to retrieve the truth about past wars is an infernal enterprise—there is "the silence,

A Small-Sized Mystery

Leave a door open long enough,
a cat will enter.
Leave food, it will stay.
Soon, on cold nights,
you'll be saying "excuse me"
if you want to get out of your chair.
But one thing you'll never hear from a cat
is "excuse me."
Nor Einstein's famous theorem.
Nor "The quality of mercy is not strained."
In the dictionary of Cat, mercy is missing.
In this world where much is missing,
a cat fills only a cat-sized hole.
Yet your whole body turns toward it
again and again because it is there.

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the selective amnesia, the half-truths, the carefully rehearsed lines, the pleas by devil's advocates, speech after speech, the worm-eaten papers." (Sansal knows whereof he speaks: this describes both the Third Reich and the war that consumed his country.) Rachel talks to his father across time, which was after all the purpose of the hectic travel. He tries to see his father in the "conscientious schoolboy, the fun-loving student, the decent, happy-go-lucky soldier." Surely he knew nothing of the Final Solution, which was a terrible state secret known only to the "Führer perched in his Eagle's Nest." He tries to absolve the young Hans: hadn't he fallen in with the Hitler Youth in the same way Rachel—or Rachid—had fallen in with the Youth of the FLN back in the village? It was nothing extreme, "just the crackpot rantings of rank amateurs."

Rachel has his father's papers, and his own imagination. A vast underground network had aided the Nazi fugitives, and the son stays on the father's trail. He goes first to Turkey, technically neutral during the world war, but complicit, says the son, in the crimes of the Third Reich. And "they have a genocide of their own, one which is all the more terrible since they have the gall not to admit to it." But he is his father's son, and he cannot cast the first stone: there is guilt aplenty. After Turkey, he is off to Syria, and his final destination is Egypt. It is "a journey of thousands of miles underneath an ancient implacable sun."

Rachel knew Cairo on his own; he used to visit Egyptian clients on behalf of his corporate employers. But this new reckoning with Egypt was different. This was a journey to an Egypt haunted by his father—by Hans arriving there nearly five decades earlier, with his crimes in his suitcase. In Egypt, Hans became a new man. The secret services gave him a position, and the horrors of the death camps were set aside. This was a new land where a hookah and a glass of mint tea were easy to find, and a "belly dancer's navel is always at eye level." The Egypt of King Farouk and the Egypt of Nasser made a place for Hans Schiller. The years of the monarchy must have been particularly kind to Hans: he was an educated man, he spoke several languages, he was well-dressed. He charmed the ladies and their powerful patrons.

In Cairo, Rachel slips into his father's thoughts. But he wants an additional bond with Hans's horrific past, and he finds it in a picture of his father with some English ladies at the Great Pyramid. Rachel wants a similar picture of himself on the same site. Rachel borrows a pith helmet from a Dutch tourist, and some "old dears," English ladies on an outing, are happy to oblige, and he poses amidst them. In five minutes he has a picture of himself in his father's pose on the same ground. And on the back of the new photograph, he writes an inscription: "Helmut Schiller, son of Hans Schiller, Giza, 11 April 1996." In this way he has become one with his lost father: "Half a century separates the two photographs, that and six million dead gone up in smoke." His quest has been fulfilled. Rachel returns to Paris, to his big house, and on the second anniversary of his parents' death he kills himself. When his neighbors find him dead in his garage, he looks as though he is asleep. He had been there all night, in the exhaust fumes. He was wearing these "creepy striped pajamas," his brother says, and his head was shaved like a convict.

III.

The diary, and the legacy, now pass on to the younger brother, to the young man from the *banlieue*, with the police record, and without the learning of his older brother. But young Malrich has his own pertinent knowledge: he knows the hell of the new Islamists in France, the squalor and the cynicism of that world.

A self-appointed imam, a kind of *kapo* of the neighborhood, with his guards and enforcers, offers Malrich a particular sort of solace. "When I heard that your parents had been savagely murdered, it grieved me truly," he tells him. "I immediately got in touch with our brothers in Algeria who are fighting for Allah, for His religion.... I need to tell you that your parents were murdered by the Algerian government, not by the holy warriors of Allah. It is their way, to kill people and put the blame on us." But Malrich, known also as Malek, needs no such comfort or encouragement. "Tell me, imam," he replies, "if you had power over the earth, where would you begin the genocide?"

The imam squirms, and then tries to bully Malrich: a bunch of thugs is waiting outside, and Malrich had been body-searched and brought in for this talk "like a prisoner of war." But Malrich persists. He wants to know about the fate that would befall those who reject Allah's rule. The imam says that it is for Allah to decide: "He shall tell us what we should do and how we should do it." But Malrich is beyond religious intimidation: he already knows how the heretics and the infidels will be dealt with. "The way I see it, you round the *kaffirs* all up into camps surrounded by electric fences, you gas all the useless ones straight off, the rest of them, you divide into groups based on their skills and their gender, and you work them till they drop dead. Anyone who disobeys, you gas them. What do you think?" The imam of the *banlieue* tells Malrich that he is "dreaming" and asking for trouble; but the younger Schiller brother does not scare. "You don't get the point, imam, killing six million infidels isn't burning some girl like Nadia, or slitting the throats of forty villagers in Aïn Deb. Half-assed methods just won't work, it takes productivity. When you've worked it out, let me know, I'll drop by. Salam." Malrich was ready for anything the imam and the emir and their followers could throw at him. He was ready for battle with the imam and the emir and their followers, and he was ready to tell the jihadists about his father, and to lend them his brother's books.

In Sansal's unforgettable portrait of this malevolent figure, the totalitarianism of the first half of the twentieth century speaks to, and finds an echo in, a new totalitarianism. Its insistence upon this echo is one of the novel's most significant contributions to our understanding. After all, the Islamists did not descend from the sky. They were radical children of the faith, literalists in the way they read the scripture, angry men committed to forcing history's pace. They were convinced that the society around them had abandoned and betrayed the true faith. And in their attitude toward the Jews, in the way they dealt with the Zionist project in Palestine, and in the manner in which they came to read the Holocaust, the Islamists worked their will on older and "traditional" forms of prejudice, and forged a new and very lethal version of anti-Semitism.

As the Oxford scholar Ronald Nettler ably demonstrated years ago, it was Sayyid Qutb, the Lenin of the Islamists and their most relentless theorist, who made the intellectual breakthrough from the old biases and stereotypes of the Jews as a tolerated but vulnerable community in Islamic lands to the new view of the Jews as a deadly menace to God's people. Qutb accomplished this in a canonical document of the early 1950s called "Our Struggle with the Jews." No doubt he was aided in this ideological work by the panic, and the surprise, that had overwhelmed the Arabs after the defeat of their armies in the war of 1948. Military defeats were common in Arab history, but this one was different: it was at the hands of a people not exactly famous for their martial traditions. In truth, the

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Arabs did not know the Zionists who had prevailed in that test of arms, they knew only the Jews in their midst, the people of *harat al yahud*, the Jewish Quarter, in Beirut and Fez and Baghdad and Damascus. Qutb was speaking to this panic; and he bequeathed this new malignancy to the Islamists who gloried in his teachings, and in his martyrdom at the hands of the secular autocracy of Nasser in 1966.

Qutb's "children" were to produce a worldview of the Jew cut to their own needs. The Jews became an apocalyptic myth and a vast threat to Allah's community. In Nettler's words, "All these ancient Islamic notions were here applied to the contemporary horror of Jewish statehood, in the context of Islam's general failings in the modern world. The result was a massive new literature of obloquy, pain and rage, completely derived from the most ancient Islamic sources, made modern by appropriate commentary, and supplemented by felicitous borrowing from such classical Western anti-Semitic philosophies as *The Protocols of the Elders of Zion*."

The jihadists who wrote off mainstream Muslims as apostates and strangers to Islam had no trouble formulating a virulent anti-Semitism. As they alternately winked at and denied the Nazi atrocities, they could partake of the Nazi inheritance—it was there for them, in Islamic lands, and also among the gangs of the *banlieue*, with their imams and emirs and storefront mosques. Young Malrich had drawn the essential distinction: the old totalitarianism had technology and industrial power at its disposal, whereas the new one had only the limited means of its adherents with which to keep the animus alive.

In this astonishing—and in contemporary Arab literature, perhaps unprecedented—mingling of old and new totalitarianisms, this skillfully drawn analogy between Islamic fascism and Nazi fascism, *The German Mujahid* is a genuinely brave book. It goes against the grain of the writer's own culture, and tears down its taboos. And it is not the first evidence of Sansal's valiant dissent. Two years earlier, he had given his country the gift of a powerful polemic—a brief tract, a letter to his compatriots, called *Poste Restante: Alger*. More directly than in his novel, this brief polemic explains why the matter of the Holocaust is taken up in so frontal a manner.

For Sansal, the matter of Algeria's identity is the essential point of departure. Arabs claimed Algeria in the 1950s when it erupted against French rule. I still recall, in the Beirut of my boyhood, in the *mashreq*, or the Arab East, the agitation and the exhilaration that greeted Algeria's war of liberation. We did not know much about North Africa—France had effectively severed it from the culture of the Arab East—and the impressions of North Africa in my native Lebanon consisted in memories of the French colonial troops, Senegalese and Moroccans, who had carried out the orders of the French mandatory power and put down local rebellions. They left no goodwill behind them, the Moroccans: their Arabic was odd and incomprehensible, and they were obedient to their French masters. But Algeria was a case apart. On the eve of its eruption in 1954, the French settlers were one-tenth of the population, but France had implanted its vineyards, its language, and its customs on that North African soil. The anti-colonial war, as Sansal brilliantly remarks, was waged in French, and the proclamation of the great revolt against France was issued in language that the French Academy itself would have praised.

Algeria had been a long time in France's grip—132 years, to be exact. So it was willful for the Egyptians and the Syrians and the Lebanese to assert the Arabism of Algeria. It was a grand historical falsification, says Sansal, for the *nomenklatura* to proclaim that Arab identity. For Sansal, his "big and beautiful" country, at the heart of the world, cannot possibly be Arab. For a start, Berbers (Kabyle, Mozabites, Touareg, Chaoui) make up 80 percent of its population, and a bare 16 to 18 percent are Arabs, and there are also the small communities from Algeria's rich and mottled past—Jews, *pied-noirs*, Turks, Africans. Sansal is unwilling to trade his country's true history for a fake Arab myth. A thousand peoples, he says, have lived in Algeria, bequeathing it a multiplicity of languages and loyalties. It has taken in the heritage of Judaism, Christianity, and Islam. The Numidians, the Jews, the Carthaginians, the Romans, the Byzantines, the Arabs, the Ottomans, the French have all played their role in shaping the true character of the place.

Arabic may be the official language of Algeria, Sansal writes, but the Algerians do not know classical Arabic. The Arabic of the books, and the Arabic of official pronouncements, is alien to them—both reflecting and deepening the impasse between ruler and ruled. Modern Standard Arabic to the Algerians is what Latin was in the High Middle Ages in European life. Berbers speak and savor their own language, while ordinary Algerians speak the colloquial language of their daily life. And there is French—French is our war booty, as a celebrated Algerian adage poignantly said—the language of high administration and intellectual life. The self-appointed guardians of the temple, Sansal says, have offered up this myth of Arabism—but "the world is the world," and the myths of the rulers, the legend of the war of liberation, have all been shattered.

It is within its own frontiers, Sansal insists, and working with the true material of its history, that Algeria can dig its way out of the slaughter and the waste. It would be false and ridiculous for an Algerian to say "our ancestors, the Gauls," but no more false and ridiculous, Sansal declares, than speaking of "our ancestors, the Arabs." Algeria's history was not written by "free men," and it was time for Algerians to name and to honor their own world. A Nazi had made his way to the *bled*, the commanders and their death squads (who were known among the terrified population as the Ninjas) had plundered and raped, the emirs and their warriors of the faith had tortured and murdered: the whole unedifying truth must be acknowledged if it is to be exorcised. Amnesty and amnesia have their saving graces, but so does an honest rendition of the actual saga of Algeria.

When I read Sansal, I recall another Algerian writer. Long before the Ninjas and the Tangos and the slaughter, a native son of the Algerian soil looked into the future and, with remarkable prescience, foresaw its ordeal. "Tomorrow Algeria will be a land of ruins and corpses, that no force, no power in the world, will be able to restore in our century," Camus wrote in 1955, when the war of liberation was one year old. "I am very anguished by the events in Algeria, a country that is stuck in my craw to the point where I can think of nothing else." By the evidence of things, and of *The First Man*, the heartbreaking autobiographical novel published posthumously, Algeria was Camus's North Star as well. He could not, or would not, say much about it—and the French left, as we know, had written him off as the "little white," the *pied-noir* who favored his mother's cause in Algeria over the abstract claim of justice. There was a "French fact" in Algeria, and Camus honored it, and there were the claims of the Algerians, and he honored those as well. He could hardly disown his own community. In *The First Man*, he gave stirring voice to his fidelity to his own: "Whole mobs had been coming here for more than a century, had plowed, dug furrows, deeper in some places, shakier and shak-

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ier in others, until the dusty earth covered them over and the place went back to its wild vegetation; and they had procreated and then disappeared. And so it was with their sons. And the sons and grandsons of these found themselves on this land, as he himself had, with no past, without ethics, without guidance, without religion, but glad to be so and to be in the light, fearful in the face of night and death."

In language that foreshadows Sansal, Camus observed that "men are abominable, especially under a ferocious sun." After two savage wars, the silence of Camus in the face of the first cycle of terrors has been justified and ennobled. More importantly for the legacy of this special son of Algiers, more and more Algerians now recognize Camus as one of their own, *ibn balad*, a son of the land. "Camus is an Algerian writer," Mohammed Dib, one of Algeria's best writers, said. Algerians honor him, he said, because they, too, "know the heartbreak that comes from living upside down." And across a long, tormented history, Camus would recognize his themes in Boualem Sansal, and their shared love of the land, and their panic and dread before its terrible beauty and its ferocious sun. ◆

Jack Goldsmith
THE ACCOUNTABLE PRESIDENCY

CRISIS AND COMMAND: A HISTORY OF EXECUTIVE POWER FROM GEORGE WASHINGTON TO GEORGE W. BUSH
By John Yoo
(Kaplan, 544 pp., $29.95)

BOMB POWER: THE MODERN PRESIDENCY AND THE NATIONAL SECURITY STATE
By Garry Wills
(Penguin, 288 pp., $27.95)

I.

In December 2008, Chris Wallace asked Vice President Cheney, "If the president, during war, decides to do something to protect the country, is it legal?" Cheney's answer included a reference to a military authority that President Bush did not exercise. "The President of the United States," he said, "now for fifty years is followed at all times, twenty-four hours a day, by a military aide carrying a football that contains the nuclear codes that he would use and be authorized to use in the event of a nuclear attack on the United States." The vice president added that the president "could launch the kind of devastating attack the world has never seen" without checking with Congress or the courts, and noted also that "he has that authority because of the nature of the world we live in." And then he shifted to the war on terrorism: "It's unfortunate, but I think we're perfectly appropriate to take the steps we have."

Garry Wills and John Yoo have written books that, in very different ways, analyze the conception of presidential power inherent in Cheney's statement. Wills does not like what Cheney and his boss did with the presidency after September 11. But perhaps in reaction to Cheney's statement, which he reproduces in his introduction, Wills has looked back and determined that the problem lies less with the Bush administration, which he blames plenty, than with the institution of the presidency, which became too powerful when it was given control of the bomb in the 1940s. Yoo, a legal architect of many of the Bush administration counterterrorism policies that Wills detests (and some of which I had a hand in revising), also looks to history to explain the Bush presidency, but he takes a longer arc. He analyzes the origins and subsequent growth of presidential power, with emphasis on how presidents have used their powers aggressively in crisis, and concludes that the Bush administration actions "fell within the precedents set by earlier Presidents."

These books nicely frame the debate about the Bush administration's place in constitutional history. On the surface, Wills's and Yoo's arguments are unsurprising. Since the 1970s, and especially since September 11, we have grown accustomed to liberals arguing against, and conservatives arguing for, broad presidential power. But their arguments become more interesting, and revealing, when placed in their broader context. During the century from the end of the Civil War to the middle of the Vietnam war, liberals in the United States mostly supported, and conservatives mostly opposed, a powerful presidency. Among the many remarkable aspects of these two books is that Yoo appropriates the mid-twentieth-century liberal case for a strong national-security presidency, while Wills articulates mid-twentieth-century conservative concerns about an out-of-control one.

Liberals at the dawn of the Progressive era believed that the traditional American system of checks and balances—with its mechanisms of indirect democracy, and its dispersion of power among state and federal governments and between Congress and the president—led to corrupt, inefficient, and unaccountable government that was unsuited to the social and economic challenges of post–Civil War industrial society. "There has been a vast alteration in the conditions of government," Professor Woodrow Wilson argued in 1885, and "the checks and balances which once obtained are no longer effective."

These alterations changed the "living" Constitution, Wilson later argued, for "the underlying understandings of a constitutional system are modified from age to age by changes of life and circumstance and corresponding alterations of opinion." The contemporary Constitution, properly understood, should centralize power in national administrative institutions under the control of an agenda-setting president who alone, in virtue of his national election, embodied the national interest. "The President is at liberty, both in law and conscience, to be as big a man as he can," Wilson declared. "His capacity will set the limit; and if Congress be overborne by him, it will be no fault of the makers of the Constitution."

Formal centralization of presidential power and agenda-setting unilateral presidential action: these were the tenets of the executive power that guided progressive thinking from Theodore Roosevelt to Lyndon Johnson, not only in domestic affairs but also in military and foreign affairs. "The initiative in foreign affairs, which the President possesses without any restriction whatever, is virtually the power to control them absolutely," wrote Wilson in 1908, capturing the presidential philosophy of the incumbent Roosevelt and anticipating his own attitude in office.

Much more significant were the aggrandizing military acts of our two greatest war presidents. Lincoln met the secession crisis by exercising Congress's

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power to raise armies, spend federal money, and suspend habeas corpus, and by detaining thousands without charge or due process, in defiance of the chief justice of the Supreme Court. Franklin D. Roosevelt, too, exercised broad prerogative powers before and during World War II. Liberals approved or tolerated the theories of presidential power on which these acts rested, because that power had been used to preserve and extend liberty and equality.

They continued to approve when the Soviet threat and the broader Cold War led to permanent and still underappreciated expansions in the constitutional powers of the president. Rather than fully demobilize, as in past wars, the government maintained a multimillion-person peacetime standing army for the remainder of the Cold War, and in 1947 it established new institutions—including the Office of the Secretary of Defense, the Joint Chiefs of Staff, and the National Security Council—to manage the peacetime military bureaucracy. These and similar institutions concentrated unprecedented authority in the president, which Harry Truman was quick to exercise. Most momentously, in 1950, without congressional authorization or consultation, he dispatched American troops to defend South Korea from North Korean attack and announced his intention to send four divisions (about 100,000 men) to a NATO force in Europe.

In a famous speech in the Senate in January 1951, Senator Robert Taft, the mid-century leader of the Republican Party, blasted Truman and the emerging Cold War presidency. Taft was a foe of the New Deal, a critic of Roosevelt's aggrandizing pre-war maneuvers, and an isolationist by reputation, but these positions were grounded in an obsessive concern about the concentration of too much power in the executive. In 1951, he charged that Truman had "simply usurped authority, in violation of the laws and the Constitution, when he sent troops to Korea." Taft was, if anything, more upset about the troop deployment to Europe, which he said lacked authorization and would require a peacetime military buildup that would "result in turning the United States into a garrison state." The matter, he argued, "must be debated and determined by Congress and by the people of this country if we are to maintain any of our constitutional freedoms." But far from consulting Congress, Truman here and elsewhere had engaged in a "general practice of secrecy in all the initial steps of foreign policy," which had deprived Congress of its constitutional powers.

Liberal intellectuals, notably Arthur Schlesinger Jr. and Henry Steele Commager, were quick to attack Taft and to defend Truman. Schlesinger called his arguments "demonstrably irresponsible," and noted that presidents "have repeatedly committed American armed forces abroad without prior congressional consultation or approval." Taft was "rewriting American history," Schlesinger concluded, and trying to "foist off … current political prejudices as eternal American verities." Commager recounted many instances when presidents had involved the nation in war without consulting Congress, and added that Truman was on even firmer ground because "treaties are laws" and the U.N. Charter and the North Atlantic Treaty required American action that must "be left to a large extent to the discretion of the Executive." Commager also argued that there was no historical basis for distrusting powerful presidents. "Call the roll of the 'strong' Presidents—those who have used the executive power boldly—Washington, Jefferson, Jackson, Polk, Lincoln, Theodore Roosevelt, Wilson, Franklin Roosevelt," he said. "None of these presidents threatened democracy or impaired the constitutional system. It is, on the contrary, the 'weak' Presidents—men like Fillmore and Buchanan and Harding—who bring democracy into disrepute and expose the Constitution to grave perils."

This liberal view of the "heroic" presidency, with its enthusiastic embrace of broad presidential powers, would persist well beyond the Truman administration. Liberals cheered when the Eisenhower administration invoked absolute "executive privilege" to shield government officials from Joseph McCarthy's communist-hunting investigations, and when he defeated Senator John Bricker's attempts to limit the treaty power and presidential executive agreements. They raised no serious constitutional objection to President Kennedy's Bay of Pigs operation in 1961, or his naval quarantine of Cuba in 1962. And in 1964 they enthusiastically endorsed the Gulf of Tonkin resolution, sponsored by Senator William Fulbright, which gave Lyndon Johnson expansive military discretion in Southeast Asia. Every Democrat in the House voted for the resolution, and *The New York Times* praised its breadth. "The president has rightly asked that the resolution express a determination that 'all necessary measures' be taken," reasoned the *Times*, which added that "no one else [but the president] can play the hand."

When the FDR hagiographer James MacGregor Burns published a *Presidential Government*, a paean to the subject, in 1965, he reflected widespread and long-held liberal conventional wisdom. But after 1965, the downward spiral in Vietnam and then the horrors of Watergate would quickly undermine liberal confidence in the heroic presidency. By 1968, Commager was complaining in these pages about the "intransigent problem of the abuse of presidential power," and in 1971 he testified before the Senate that "it is very dangerous to allow the president to, in effect, commit us to a war from which we cannot withdraw, because the war-making power is lodged and was intended to be lodged in the Congress." Schlesinger, who had written admiring biographies of Jackson, Roosevelt, and Kennedy, converted from establishment cheerleader for the heroic presidency to the leading critic of what he called "the imperial presidency." His book of the same name appeared in 1973, and its subject was presidential excesses at home and abroad. Robert Taft "had a much more substantial point than [I] supposed twenty years ago," Schlesinger acknowledged.

Senator Fulbright, for his part, was regretting Congress's failure to check the president in Vietnam, in his book *The Arrogance of Power* in 1966. As chairman of the Senate Foreign Relations Committee, he helped lead the charge to defund the Vietnam war and to shepherd to completion the historic War Powers Resolution of 1973, which sought to check unilateral presidential militarism. Congress in the 1970s, with broad liberal support, would enact scores of other historic reforms to check what it viewed as the war-prone and excessively secretive president, including landmarks of presidential accountability such as the Freedom of Information Act, the Foreign Intelligence Surveillance Act, the Presidential Records Act, the Inspector General Act, the National Emergencies Act, and laws to enhance congressional oversight of intelligence and covert operations. Since these 1970s reforms, and in an era dominated by Republican and moderate Democratic presidents, liberal pundits and intellectuals have usually been opposed to broad assertions of presidential power, especially those touching on military affairs and national security. This movement reached its apex, of course, after September 11.

ANTHONY RUSSO

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II.

For most of the twentieth century up through the Vietnam war, conservative theorists followed a mirror-image path. During the Progressive era and the New Deal, they rejected "living constitutionalism" and were committed to the legally constrained presidency that they believed the Constitution's text and original understanding required. Conservatives detested the New Deal not only because they viewed it as redistributionist, wasteful, and harmful to private enterprise, but also because it created an enormous federal bureaucracy and sweeping centralized power in the presidency, contrary to the Framers' vision. After the war, and with Robert Taft's death in 1953, William Buckley's *National Review* became the intellectual home of this conservative anti-presidential philosophy, and *Congress and the American Tradition*, a book by Buckley's colleague James Burnham that appeared in 1959, became its intellectual bible.

Burnham culled the constitutional Framers' writings to make the conservative case for a presidency bounded by indirect representation, congressionally centered checks and balances, states' rights, and the deliberation and slowness of legal change that those structures guaranteed. For Burnham, every aspect of the mid-twentieth-century presidency was a constitutional solecism: the rise of "plebiscitary" or "Caesarist" presidents, who claimed a direct mandate from the people in virtue of their national election; the massive bureaucracy, which in both domestic and military matters "looms like a colossus" over the small and scantily staffed Congress; the president's increasing reliance on emergency powers, at home and abroad, which he called "democratic despotism"; the "progressive undermining" of Congress's investigatory power, by which the president, in the name of secrecy and under the guise of separation of powers, "has simply refused to supply information" in congressional investigations; and the ever-expanding scope of the treaty power, which "swell[s] the functions of the central government" and allows the president to operate "in virtual complete independence of Congress."

Burnham supported the Korean war, but he criticized Truman's dispatch of troops without congressional authorization. The Constitution assigned "the bulk of the sovereign war power" to Congress, he noted, adding that conservatives "are specifically opposed to the concentration of power in the executive to which nearly exclusive presidential control of foreign policy contributes." Here Burnham silently touched on a large tension in post-war conservative philosophy. By the late 1950s, Burnham and most other conservatives were fierce anti-communists, who argued for action against the Soviet Union more aggressive than mere "containment." They never fully reconciled this view—and the need for a large standing army and powerful presidency it entailed—with their fear of centralized presidential power. On the whole, conservatives "dejectedly" (as Buckley put it in 1955) accepted the minimal centralized state that their anti-communism implied.

Despite the anti-communist imperative, conservatives continued to criticize growing presidential power throughout the 1960s and into the Nixon administration. *National Review*, which did not exactly love Nixon, declared in an editorial in May 1974 that Watergate raised the question that conservatives had been pressing since the New Deal: "whether a free, democratic, constitutional republic can survive in our era of wars and revolutions or must evolve, like its Roman prototype, into a Caesarist mass democratism, in which the leader bases his rule on direct contact with the masses, bypassing the intermediary institutions of legislatures, courts, and local jurisdictions." William Rusher, *National Review*'s publisher, wrote in the magazine later that year that Watergate would have a salutary effect on "a Presidency whose steadily growing power has for forty years been the most serious danger facing the American society," adding that liberals "have not been overly generous about admitting that conservatives recognized and resisted that menace for decades before they did."

But it was also during this period that conservatives, increasingly confident of their national majority, started to re-think their long-held suspicion of the presidency. When, in the late 1960s, Congress began to withdraw its support for the war in Vietnam that it had enthusiastically authorized earlier in the decade, many anti-communists began to question its viability as an institution of foreign policy decision-making. Barry Goldwater had argued for Congress's primacy and against presidentialism as a conservative insurgent in the early 1960s, but by 1971, in the midst of the Vietnam debate in Congress, he said that he would "put more faith in the judgment of the office of the president in the matter of war-making at this time than I would of Congress."

After Watergate, influential young conservatives such as Dick Cheney, Donald Rumsfeld, and Antonin Scalia, working in Gerald Ford's White House and Justice Department, would form lifelong views about the importance of executive power while resisting the historically unprecedented congressional backlash against the imperial presidency. The rising influence of the formerly liberal neo-conservatives also brought with it an unabashed preference for a strong presidency in foreign affairs. In the mid-1970s Irving Kristol described the traditional conservative position on the presidency as "absurd," and Norman Podhoretz charged that the congressional attack on the presidency damaged "the main institutional capability the United States possesses for conducting an overt fight against the spread of communist power in the world."

Jeffrey Hart made the domestic policy case for a "shifting conservative perspective" on the presidency in *National Review*, just after Republicans in Congress had suffered huge post-Watergate midterm losses in 1974. Conservatives can claw back the hated bureaucracy, Hart maintained, only "through the action of a powerful president who is willing virtually to go to war within his own executive branch in order to carry out his mandate." He also argued that a major threat to conservative ascendancy was the powerful mass media that controlled public discourse. Flipping the fear of Caesarism on its head, he argued that the presidency was the only branch of government with "the capacity to contest the mass media where the focusing of opinion is concerned." Hart concluded that "it seems both likely and desirable that the attitude of conservatives toward executive power will undergo a drastic shift."

Hart's prediction proved true. The shift came sharply, and almost imperceptibly among conservatives, with the election of Ronald Reagan. He was just what Hart envisioned:

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a conservative committed to using a powerful presidency to slay the bureaucracy, who also possessed the media savvy to circumvent the liberal press's powerful agenda. Reagan was also a stern anti-communist committed to building up national defenses without the traditional conservative fear of a garrison state. The executive was the only branch of government that conservatives controlled at the time, and the only branch they believed they would control for a while. It was also a time of extraordinary intellectual ferment in conservative legal thinking, marked by the creation of the Federalist Society in 1982 and by the presence of an unusual number of young, smart, and motivated conservative lawyers in the Reagan White House and Justice Department, including John Roberts and Samuel Alito, Theodore Olson and Kenneth Starr, and Michael McConnell and Steven Calabresi.

It was in this context that a new conservative legal philosophy for a strong presidency came to maturation. Like their predecessors, conservative lawyers in the Reagan era rejected "living constitutionalism" and were devoted to a strict construction of the Constitution's text as understood by the constitutional Framers. But in sharp contrast to earlier conservative thinkers, Reagan conservatives used these sources to bolster an unprecedentedly robust presidency. Focusing on three clauses in Article II of the Constitution, they recovered arguments that had largely been banished from conservative thought since at least the New Deal, but that had antecedents stretching back to the founding. Most fundamental was a broad reading of "the Executive Power" vested in the president, which they interpreted to include all traditional executive powers except for those specifically given to Congress. They also believed the president had an independent power to interpret laws incident to his duty to "take Care that the Laws be faithfully executed." And they read the president's designation as "Commander in Chief" to be a fount of substantive presidential authority over military affairs, some aspects of which were untouchable by Congress.

In the 1980s, conservatives synthesized and deepened these old arguments into a new and unprecedentedly broad conception of presidential power. In 1989, an influential Department of Justice legal opinion, summarizing a decade of conservative theory and practice, described ten ways that Congress intrudes on exclusive executive branch authorities. "Only by consistently and forcefully resisting such congressional incursions can exclusive executive branch prerogatives be preserved," it advised. And resist conservatives did, in books such as *The Fettered Presidency*, *The Imperial Congress*, and *Energy in the Executive*, and also on the ground. The new conservative synthesis undergirded the attack on the independent-counsel law, the many Reagan and Bush I dispatches of troops abroad without congressional authorization, and Representative Cheney's minority congressional report on the Iran-Contra scandal, which blamed the Boland Amendment that Oliver North violated on "an aggrandizing theory of Congress' foreign policy powers."

The Clinton administration employed some of these arguments, but in a tempered way that gave more deference to Congress. But the arguments were back in full voice in the post–September 11 presidency of George W. Bush, and were marshaled in support of military commissions, the asserted power to disregard the torture statute, the Terrorist Surveillance Program, detention authority, and much more.

III.

John Yoo had a heavy hand in those policies, as is well known. It thus comes as no surprise that his rich history of presidential power provides a brief for the expansive post-Reagan conservative conception of executive power on which these policies rested.

Yoo's account of the constitutional founding would have set James Burnham's hat on fire. Burnham thought that the founders created a system of congressional supremacy based on (among other things) their discussion of the virtues of deliberation and representation, the length and the detail of the powers conferred by Article I of the Constitution, and Madison's dictum that "in republican government, the legislative authority necessarily predominates." Yoo argues that they created a system of presidential dominance based on (among other things) the Framers' discussion of the virtues of unity, dispatch, and secrecy; Article II's "open-ended" grant of executive power; and Hamilton's dictum that "energy in the Executive is a leading character in the definition of good government." Burnham praises the Constitution's many checks on presidential "Caesarism"; Yoo praises the Constitution's creation of "a republican executive to be elected by the nation as a whole, with a connection to the people independent of Congress." Burnham thinks the president's war power is a modern invention; Yoo thinks it is part of the Framers' design. And so on.

What explains these diametrically opposed conservative constitutional visions? One answer—this is the general lesson of liberals' embrace of presidentialism until the late 1960s, and of conservatives' suspicion of it until then—is that constitutional theory is usually grounded in a theory of preferred outcomes. From the beginning of the nation, Schlesinger once noted, "views of the proper distribution of power between the Congress and the President depended a good deal less on considerations of high principle than on preferences about the uses to which power was put." Burnham wrote near the end of an era in which American politics was seen as a prolonged fight between what his colleague Willmoore Kendall described as an invariably "liberal" president motivated by "high principle and enlightenment" and an invariably resistant and thus "conservative" Congress. Yoo writes at the end of three decades of Republican presidential rule interrupted only by eight years of a moderate Democratic presidency, in which the main conservative concerns, especially the bloated bureaucracy and national security, favor a strong presidency.

A second lesson is that the text and the original understanding of the Constitution often do not yield determinate answers concerning the separation of powers. Yoo is right to emphasize that the Framers—burned by their experience with the feckless executive power that the Articles of Confederation had lodged in Congress—created a strong and independent presidency that could enforce the law, and help maintain the national defense, and act swiftly in crisis. This is a point downplayed by Burnham and modern presidential critics, just as Yoo downplays the ways the Constitution sought to place legal checks on the president. The complicated truth is that the Framers had cross-cutting concerns about legislative and executive power and spoke in many voices. They worried about a too-weak Congress and a too-strong Congress *and* about a too-weak president and a too-strong president. The Constitution's final allocation of power involved many compromises embodied in sometimes imprecise provisions that meant different things to different people and interacted in unpredictable ways.

Consider the famous debate in 1793 over the legality of George Washington's unilateral proclamation of American neutrality in the ongoing European wars. Hamilton, writing as Pacificus, supported the proclamation based on a broad reading of the president's "Executive power." He also argued that the president's au-

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thority to execute, and thus to interpret, treaties gave him the power to determine whether the United States was at war or at peace. Madison, writing as Helvidius, took issue with both points and accused Hamilton of trying to incorporate British royal prerogatives into the Constitution that had stripped the executive of the king's power to determine war and peace. Within six years after they co-authored *The Federalist Papers* and five years after the Constitution was ratified, Madison and Hamilton sharply disagreed, each with plausible arguments, about what the Constitution says about a simple question of presidential power. The text and the original understanding of the eighteenth-century Constitution, taken alone, are less sure guides to presidential power in our very different world.

Yoo does not rest the entire edifice of modern presidential power on what happened in 1789. Madison wrote in *The Federalist Papers* that the Constitution's provisions, "though penned with the greatest technical skill, and passed on the fullest and most mature deliberation, are considered as more or less obscure and equivocal, until their meaning be liquidated and ascertained by a series of particular discussions and adjudications." Like many originalists, Yoo recognizes Madison's truth, for he acknowledges "the importance of practice as a source of constitutional meaning," and he devotes most of his book to analyzing presidential practice and the steady growth of presidential power over the course of American history.

Yoo's story from the founding until Vietnam is the same basic story that liberals told about the heroic presidency in the middle of the last century. Yoo, like Commager, notes that our greatest presidents—the contemporary top-ten list is Washington, Lincoln, Franklin Roosevelt, Jefferson, Theodore Roosevelt, Reagan, Truman, Eisenhower, Polk, and Jackson—achieved victory or important progress in domestic and foreign affairs by using presidential power very aggressively to defy congressional and constitutional restrictions or to act boldly when Congress was silent. "Several of these Presidents were, in fact, responsible for some of the most explosive constitutional confrontations in American history," writes Yoo, adding that "an enormous historical literature, indeed, trumpets their 'great' or 'near great' status precisely because they were so bold as to assert power with extraordinary vigor, and precisely in the most contested or doubtful circumstances." Failed presidents, by contrast, are almost all ones—Yoo agrees with Commager that James Buchanan is a prime example—"who hold narrow visions of their powers, or those who are overly deferential to Congress" and thus who "experience failure in crisis."

While Yoo's heroic presidency tracks the old liberal story, he highlights aspects that support the modern conservative synthesis. He emphasizes that Washington's neutrality proclamation was grounded in a theory of inherent executive power; that Jefferson the strict constructionist introduced to the presidency the notions of prerogative power and secret, unilateral covert operations; that many of Jackson's great victories were premised on his asserted power, independent of Congress and the courts, to interpret laws; that Lincoln's Emancipation Proclamation rested on a broad conception of his commander-in-chief authority, and sidestepped statutory procedures for freeing slaves; that FDR unilaterally ordered domestic wiretaps in defiance of a congressional ban; and that our greatest Cold War presidents—Truman, Eisenhower, and Reagan—succeeded through "presidential activism abroad."

What explains the striking identification of presidential greatness with the aggressive use of presidential power? Why is it, as Clinton Rossiter wrote half a century ago, that a president who "is not widely and persistently accused in his own time of 'subverting the Constitution' . . . may as well forget about being judged a truly eminent man by future generations"? The main answer, as Yoo notes, is that great presidents are those who succeed in crisis, and success in crisis often demands that the presidential virtues emphasized by Hamilton—"decision, activity, secrecy, and dispatch"—be employed in ways that test or exceed traditional constitutional limits. A related point is that we tend to judge presidential action by the quality of its outcomes, and not by compliance with backward-looking conceptions of constitutional norms. Roosevelt is praised for his bold but constitutionally dubious unilateral actions before and during World War II, but Johnson is pilloried for his "unconstitutional" war, even though it was, until the very end of his term, funded and approved by Congress.

Of course, bold presidents can also be disasters. Vietnam and Watergate caused liberals to rethink the heroic presidency, but Yoo sees the presidencies during this period, especially Nixon's, as the temporary deviations of a still-heroic presidency. "The problem with Watergate was not the Presidency itself," he writes, "but the man who used the powers of the office to advance and protect his personal interests." And while many see the presidency of George W. Bush as a dramatic deviation from past constitutional practice, Yoo thinks it acted "well within the example of past Presidents."

Yoo is right that most of Bush's controversial counterterrorism programs can find a precedent, and often many, in the actions of past great presidents. Why, then, was Bush judged so harshly not just by people on the left, but also by the general public and even by some on the right? There are many reasons. One is that the Islamist terrorist threat is invisible to many. Another is that, as Yoo notes, "we are still living through the period of threat," and only with the benefit of hindsight can we know "whether Bush's aggressive use of executive authority was too much, too little, or just right." The tradition of the heroic presidency views Lincoln's and Roosevelt's Constitution-stretching actions in a benign light because their crises were apparent to all, and because they used aggressive presidential powers to achieve great ends. Bush, by contrast, operated in a world in which the threat was contested, rendering aggressive presidential action, based on precedents from undoubted crises, suspicious—a suspicion exacerbated by the administration's frequently proclaimed desire to expand its powers. And Bush left office in the middle of the war, without the hindsight glow of approval that victory may bring.

The Bush administration compounded these challenges, of course, by acting unilaterally in several key areas without seeking the consent of Congress. Yoo stands by the constitutionality of this approach. "Of course, cooperation between the President and Congress on national security policy is politically desirable, but it has never been constitutionally necessary," he claims. Our constitutional tradition shows that presidents can and must exercise prerogative powers in the short term of a crisis, sometimes even in defiance of Congress. But that this is not the whole of the story. It also emphatically shows that when the crisis lingers, presidents must receive the approval of the other branches of government. The paradigm is Lincoln's famous speech of July 4, 1861 in which he laid out before Congress the emergency extra-constitutional steps he had taken in response to the secession crisis that spring, and sought Congress's approval.

The early Bush administration failed to see that the legitimating constitutional price for the presidential power that it

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revered was the congressional consent that it abhorred. It failed to recognize that unilateralism was destined to fail over the medium term, especially in a crisis that was so novel, hard to gauge, and open-ended. It failed also to recognize that the president's power would be legitimated and made effective only by securing the consent of the other institutions of government.

Garry Wills has been a man of the left for a while now, but he began his career at *National Review* in the 1950s, where he doubtlessly absorbed then-conservative concerns about the Cold War presidency. Traces of these concerns appear in his new book, but they have spun out of control, and he has produced an unilluminating rant.

Wills believes that the atomic bomb "altered our subsequent history down to its deepest constitutional roots" by fostering a militarized and crisis-filled society that centralized unprecedented power in the president and re-defined the government "as a National Security State, with an apparatus of secrecy and executive control." This happened, Wills says, because the president's "sole authority to launch nation-destroying weapons" gives him "license to use every other power at his disposal that might safeguard that supreme necessity" and causes Congress and the courts to acquiesce in presidential power. In this way, the bomb gave rise to institutions and practices that are responsible for all of the evils of the modern presidency, including the secrecy system, unilateral presidential war-making, CIA assassinations, dictator-coddling, unitary executive theory, presidential signing statements, executive orders, Watergate, Iran-Contra, torture, and more. Only the president "had the supreme power, the Bomb, and all else must defer to it, for the good of the nation, for the good of the world, for the custody of the future, in a world of perpetual emergency superseding ordinary constitutional restrictions."

The problems with Wills's thesis begin with his obsessive focus on the atomic bomb—as opposed to the Cold War to which it contributed—as the source of all subsequent presidential evil. Yes, the placement of a nation-destroying weapon in the president's hands contributed a lot to the rise of presidential power. But the Soviet menace, which Wills downplays in independent significance, was the primary cause of the security anxiety that produced the national security state after World War II. The possession of the bomb, moreover, had a mixed effect on the national security state, which Wills misses altogether. In the political fights over military budgets in the 1940s and 1950s, the atomic and thermonuclear bombs were viewed as relatively inexpensive weapons that provided significant deterrence—what became known, rather morbidly, as "a bigger bang for the buck." These weapons were substitutes for an even larger conventional military buildup against the Soviet threat—a buildup that, but for the bomb, would have brought the United States closer to a garrison state.

If we set aside Wills's insistence that the bomb itself is the poisonous apple, and focus more broadly on the congeries of factors (including the bomb) that led to the Cold War, then Wills is correct that the United States has been in a more or less permanent emergency since the late 1940s, and that this state of alert led to the development of institutions, responsibilities, and practices that forever changed the presidency. But Wills wildly exaggerates the reach of these constitutional changes. The national security state is responsible for many things, but it is not, as he claims, responsible for the Bush administration's asserted power—sometimes in signing statements—to decline to enforce laws that it believed violated the Constitution. This is not a "new" practice. It goes back at least to the nineteenth century, and it has been asserted by many presidents, including many before World War II. The practice has grown in modern times with increases in the size of government and the scope of congressional regulation of the executive, but presidents frequently invoke it concerning ordinary domestic issues as well as national security issues. It has nothing to do with the bomb.

Nor is Wills right to claim that the "main reason" Congress and courts have deferred to modern presidents' use of "Executive Orders" is "the Bomb." Executive orders are presidential directives that rely for their authority on statutes, treaties, or a constitutional provision. Congress and the courts have permitted them not for fear of making the president look weak, as Wills claims, but rather because it is a perfectly legitimate exercise of executive power. While presidents have issued executive orders since the beginning, the practice has grown naturally with the size of government, and it too applies in many contexts that have nothing to do with national security. Executive orders have, in fact, been a central tool of the heroic presidency in achieving domestic reform. On race relations, for example, Truman used an executive order to desegregate the military; and Eisenhower used one to enforce *Brown v. Board of Education* in the South; and Kennedy and Johnson used several to promote racial equality in other governmental functions, and to establish early government programs on affirmative action.

Wills makes similar mistakes about unitary executive theory, but larger problems mar his book as well. He recounts in loving detail the bad acts of the powerful modern presidency, but he considers none of its virtues or successes (including its success in guiding us to a safe conclusion of the Cold War), and thus makes no effort at a balanced accounting. His entire argument is premised on a "fondness for the quaint old Constitution" of 1789 with the notion of executive power that prevailed at that time. He does not defend this unsubtle originalism, nor explain how he would reconcile it with his fondness for modern constitutional innovations such as the New Deal, abortion rights, and free political speech. Nor does he try at all to come to grips with the massive social, political, technological, and other changes in the world that, like the invention of the bomb, have caused us to place more and more power in the president's

D Minor

Thirst drove them as if within each kiss
something escaped, something salty touched
their tongues, as if the kiss within remained

unquaffed, as if the melody
in Kreisleriana fled each felt-wrapped
wooden hammer-knock and floated

only in the ghostly hands reflected
in the keyboard cover's up-tilted night As if
spring appeared not in petals by

day but in the stun of white
knock-out lilac scent at midnight, white
not seen but suffered and suffused So

they tasted and missed As in
the park, on the gravel path, a child's
map for a treasure hunt flutters

where it was dropped, its
directions precisely recorded and unread,
the treasure untouched and ever out of reach

ROSANNA WARREN

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hands. "Lodging the fate of the world in one man, with no constitutional check on his actions, caused a violent break in our whole governmental system," he maintains. Even if this were so, we cannot wish away the bomb any more than we can wish away other enormous changes in the world. Wills says nothing constructive about how government might be improved to meet these changes.

IV.

Though Wills and Yoo have very different views on executive power, they agree that congressional efforts to check the ever-growing presidency—and especially the famous congressional reforms of the 1970s—were largely useless. Wills says these laws struck only "glancing blows" at executive power, and that Congress has largely capitulated to executive aggrandizement. Yoo says that presidents "worked around many of" these laws, which "proved somewhat toothless." Wills decries this result; Yoo admires it. And both are wrong about the premise.

Congressional reforms of the presidency have been far from toothless. In fact, they have accomplished a great transformation. They (along with judicial and other innovations) changed the unprecedentedly powerful post–Cold War presidency into one that is also unprecedentedly accountable. It is hard to know whether the most famous of these reforms, the War Powers Resolution, has slowed presidential war-making much (though it is worth noting that every president has complied with its reporting requirements, and no president has defied it on constitutional grounds). It is clear, however, that the many other reforms made the presidency much more accountable to Congress, the courts, and the public.

Presidents used to wiretap at will in the name of national security, but now they must comply with complex criminal laws and get the approval of a secret court. Presidents used to conduct covert operations without any accountability, but now they must comply with elaborate restrictions and report all important intelligence activities to Congress in a timely way. Presidents used to have carte blanche in interpreting or ignoring international human rights law and the laws of war, but now these laws are embodied in complex regulations and criminal statutes that touch on every aspect of military and intelligence operations. Presidents used to hide information easily, but now they must take extraordinary steps to maintain records and give the public broad access to internal documents. Quasi-independent inspectors general that were viewed as unconstitutional during the Reagan revolution are now well-established auditing and investigatory thorns in the president's side.

There are many other examples, but perhaps the best indicator of the impact of law on the presidency is that the CIA has well over one hundred lawyers, and the Department of Defense has over ten thousand, not including reservists. These lawyers—and many tens of thousands of other lawyers in other agencies—devote their days and many of their nights to ensuring that the extravagantly regulated executive branch complies with the law and with numerous forms of ex post accountability—inspector general audits, congressional investigations and queries, reporting requirements, and testimony before Congress—that influence executive behavior before the fact.

This massive change in accountability to Congress has been mirrored in our other institutions—in courts, which (owing to the prevalence of law in this area, and to changes in constitutional norms) are significantly more involved in adjudicating executive conduct of war and intelligence; and in the media, which is much more aggressive and successful than ever in ferreting out government secrets. The president retains the initiative in war and intelligence, to be sure, and he has discretion in choosing where to lead the nation, especially in crisis. Yet his decisions are widely and deeply regulated, both before and after execution.

The increasingly powerful but increasingly law-bound presidency is the key to understanding the remarkable extent to which President Obama has continued the counterterrorism policies of his predecessor. Obama has cut back the Bush program on interrogation and black sites, though not as much as most people think. He has supported tiny congressional modifications to military commissions, but he has persisted in their use. He has controversially insisted on a civilian trial for Khalid Shaikh Mohammed, but this is less of a change than critics suggest, as the Bush administration often used civilian trials for terrorists, including the September 11 plotter Zacarias Moussaoui, the Al Qaeda agent José Padilla, the "shoebomber" Richard Reid, and the "American Taliban" John Walker Lindh. Obama has replicated Bush's legal arguments concerning detention, habeas corpus, and state secrets. And he has embraced, and indeed ramped up, the Bush approach to targeted killing and rendition.

Obama is not by a mile the first president to come to office as a critic of presidential power and then switch on the job. Jefferson, Lincoln, and Nixon, among others, maligned broad assertions of presidential power before entering the executive branch. The president has enormous responsibilities for our safety and many legitimate powers to meet them, both of which are difficult to appreciate before assuming the office. And as Schlesinger once observed, "power always look[s] more responsible from within than from without."

But there is another explanation for the Obama continuation of Bush policies. Almost every aspect of the early unilateral Bush counterterrorism program has been pushed back against or modified, and ultimately blessed, with accountability strings attached by Congress or the courts or both, with an assist from the ever-critical press. One important reason why Obama embraced so much of the Bush program as it stood in 2008 is that most of this program had been vetted—and restrictions, guidance, review, and reporting and internal monitoring requirements imposed—by the other branches of our government. The enhanced powers of the presidency after September 11 have become part of the national fabric, in short, because they have received the consent of our national institutions, and thus of the people themselves.

There is an important constitutional lesson here. The presidency has grown in power over two centuries and more, because massive changes in domestic and international society have made it necessary to centralize power in a hierarchical, relatively secretive, quick-acting executive. This presidential growth was not, as Yoo argues, anticipated by the Framers in Article II. Yet the Framers did create a structure of divided government that gave to each branch the motives and the constitutional tools to check the other branches. This structure did not prevent the presidency from becoming very powerful, but it did provide a way to create compensating adjustments through novel accountability mechanisms for presidential power that translate, in a rough way, the Framers' original design. These compensating adjustments are far from perfect. Congress is sometimes slow to exercise its constitutional responsibilities, and when it does act, it often does too much or too little. But Congress does act with consequence, not infrequently, as do the courts; and the larger picture is one that preserves the original idea of a balanced constitution with an executive branch that remains legally accountable despite its enormous power. ◆

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Washington Diarist

Aftershocks

"Think of our new village here as the home of Jesus Christ, not the scene of a disaster," the Reverend Joseph Lejeune told the smashed souls in a tent city in Port-au-Prince. "Life is not disaster. Life is joy! You don't have food? Nourish yourself with the Lord. You don't have water? Drink in the spirit." One of the aftershocks in Haiti has been the revelation that belief may be immune to experience. The survivors are praying to the author of the destruction. Their metaphysics is their shelter, and I would not deny them their metaphysics as I would not deny them a bed. Yet this is very unVoltairean. Was not God buried in this rubble, as He was buried in all the rubble that preceded it? What happened in Haiti ought to bring philosophy back, except that nothing can bring philosophy back. In an intellectual universe that consists mainly in position-taking, everyone comes away from the enormity with a tingle of validation. The complacence of the theists is matched by the complacence of the atheists. The cocktail-party Karamazovs shake their fists at the live feeds and gleefully pounce on the latest confirmation of their belief in the cruelty of the deity that does not exist. In their scorn for the religious explanation of evil they omit to explain it themselves, except perhaps to extol "lucidity," which is of course not the beginning of the answer but the beginning of the question. There is nothing analytical or heroic about knowing the facts. And to regard all this suffering as meaningless seems indecent. One can always adopt the standpoint of the cosmos, and in this way detach oneself from the pain and the perplexity, but then one cannot call oneself a humanist. Watching the charnel scenes in Haiti, I wonder, without much mental satisfaction, whether in such circumstances it may not be the highest achievement of the spirit to be stuck. For the relation of belief to experience is a complicated matter, and not only in a catastrophe. It is as foolish to assert that God does not exist because I am unhappy as it is to assert that God does exist because I am happy. In the ruins of Haiti, I do not see how one can be nourished by the presence of the Lord and I do not see how one can be nourished by the absence of the Lord. The earthquake leaves the metaphysical problem where it found it.

But the ruins of Haiti may provoke another crisis of another faith. Many commentators rightly noted that the magnitude of the devastation was owed not only to natural causes but also to human causes—to the country's history of social, political, and economic abjection. Harrowing poverty, corrupt government, broken institutions, shabby infrastructure: those are not divine injustices, they are human ones. (In one of the more notorious sections of his *Theodicy*, the supreme masterpiece of the justificatory mind, Leibniz remarked that "one single Caligula, one Nero, has caused more evil than an earthquake.") And America's interventions, even when they have been for a right end, have often been shifting and thoughtless, a discouraging saga of unintended consequences. In the aftermath of the earthquake, the Obama administration and other governments and the NGOs and the international relief agencies are saying that this time it will be different. The magnanimity of American and other donors, public and private, has certainly been remarkable. The charitable energy, the pulse of compassion, is everywhere. And in one of the greatest hours in the history of human benevolence, as the angels of rescue and relief do their work, there emerged a kind of humanitarian happy talk. "There are great reasons to hope," Bill Clinton and George W. Bush wrote. "We have a chance to do things better than we once did. … At our best, we can help Haiti become its best." Ban Ki-Moon observed that "the disaster in Haiti shows once again that even amid the worst devastation, there is always hope," and cited the millennial goal of eliminating extreme poverty by 2015. Bernard Kouchner declaimed that "stubbornly and fearlessly, we must reach toward hope. … The sad truth is that when everything has been destroyed, anything becomes possible."

I know, I know. What else were they going to say? But something is amiss with this notion of policy as theodicy. For it may well be that anything is *not* possible. Haiti, like everywhere else, is thick with its past, and it will take more than "a very successful donors conference" (Hillary Clinton's reassuring example on January 15) or the "development of clean energy" (one of Bill Clinton and George W. Bush's prescriptions on January 17) to break its grip. Hope, like fear, is an easily exploitable emotion; and the disappointment of hope is not significantly different from despair. I am not sure what interests are served by talk of transformation, except the interests of cynics. The Red Cross has my money, but not because I expect to see a new Haiti. I do not. I also do not expect to see a lasting American commitment after the bodies are buried. I would like one, of course; but what I would like is not what counts. What counts is what we know about the inconstancy of men and the intractability of the world. That knowledge does not teach quietism, not at all; but we must learn to distinguish between meliorative action and millennial action. The struggle against suffering should take place soberly, grimly, with what the poet called a heart for any fate, because it sets out from the prior actuality of suffering. It is born disabused, or it is a misunderstanding.

I recognize the risk in such an intuition. In demanding too little of the world, we may become complicit with it. Fatalism is always, almost as a matter of definition, self-fulfilling. And yet intelligence must not be blinded by its tears. Tragedy cannot be adequately met with the confidence and the cheerfulness of Leibniz and Bono. *This time it will be different*. Looking at Haiti, why would anyone not believe it, and why would anyone believe it? We cut our deliverances to the scale of our disasters, but it is never measure for measure: we cannot overtake what the world has done to us, what we have done to ourselves. It is just not the case that the less you believe in God, the more you believe in man. It may be impossible to believe in them both. The short-lived nature of ethical alertness is one of the most rudimentary facts of individual and collective life. So let us quicken to the intervals between our indifferences, because whether or not God exists, we do, and much of the time—though not now, as the planes clog the runways in Port-au-Prince—we are terrible.

Leon Wieseltier

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You deserve a factual look at . . .

Myths About Israel and the Middle East (2)

Should we re-examine endlessly repeated clichés?

In a previous installment in this series of clarifying messages about Israel and the Middle East, we examined certain myths which, by dint of constant repetition, had acquired currency and acceptance. We looked at the myth of "Palestinian nationhood," the myth of Judea/Samaria (the "West Bank") being "occupied territory," the myth that Jewish settlements in these territories are "the greatest obstacle to peace," and the myth that Israel is unwilling to "yield land for peace." And we cleared up the greatest myth of all, namely that Israel's administration of the territories, and not the unrelenting hatred of the Arabs against the Jews, is the root cause of the conflict between the Arabs and Israel. But those are not all the myths; there are more.

What are more of these myths?

■ **Myth:** The Arabs of Israel are a persecuted minority.

Reality: The over one million non-Jews (mostly Arabs) who are citizens of Israel have the same civil rights that Jews have. They vote, are members of the Knesset (parliament), and are part of Israel's civil and diplomatic service, just as their Jewish fellow citizens. Arabs have complete religious freedom and full access to the Israeli legal, health and educational systems – including Arabic and Muslim universities. The only difference between the "rights" of Arabs and Jews is that Jewish young men must serve three years in the military and at least one month a year until age 50. Young Jewish women serve for two years. The Arabs have no such civic obligation. For them, military service is voluntary. Not too surprisingly, except for the Druze, very few avail themselves of the privilege.

> "It is in our national interest that reality, not myths, govern our policy."

■ **Myth:** Having (ill-advisedly) already given up control of the Gaza Strip, Israel should also give up the administration of Judea/Samaria (the "West Bank") because strategic depth is meaningless in this age of missiles.

Reality: Israel is a mini-state – about half the size of San Bernardino county in California. If another, even smaller mini-state were carved out of it, Israel would be totally indefensible. That is the professional opinion of 100 retired U.S. generals and admirals. If the Arabs were to occupy whatever little strategic depth Israel has between the Jordan River and its populated coast, they would not need any missiles. Artillery and mortars would suffice, since Israel would be only nine miles wide at its waist. Those who urge such a course either do not understand the situation or have a death wish for Israel.

■ **Myth:** If Israel would allow a Palestinian state to arise in Judea and Samaria it would be a democratic state and would be totally demilitarized.

Reality: There is no prospect at all that anything resembling a democratic state could be created in the territories. There is not a single democratic Arab state – all of them are tyrannies of varying degrees. Even today, under partial Israeli administration, Hamas and other factions fight for supremacy and ruthlessly murder each other. Another Lebanon, with its incessant civil wars, is much more likely. The lawlessness and chaos that prevail in Gaza since Israel's withdrawal is a good prospect of what would happen if Israel – foolishly and under the pressure of "world opinion" – were to abandon this territory. As for demilitarization, that is totally unlikely. Because – with Syria, Iraq, Jordan and Saudi Arabia, most of which are in a declared state of war with Israel, at its borders – an irresistible power vacuum would be created. Despite pious promises, the arms merchants of the world would find a great new market and the neighboring hostile Arab countries would be happy to supply anything else that might be needed.

■ **Myth::** Israel should make "confidence-building gestures" for the sake of peace.

Reality: What really is it that the world expects Israel to do for the sake of peace? Most of the 22 Arab countries consider themselves in a state of war with Israel and don't even recognize its "existence." That has been going on for over sixty years. Isn't it about time that the Arabs made some kind of a "gesture?" Could they not for instance terminate the constant state of war? Could they not stop launching rockets into Israel from areas that Israel has abandoned for the sake of peace? Could they not stop the suicide bombings, which have killed hundreds of Israelis and which have made extreme security measures – such as the defensive fence and convoluted bypass roads – necessary? Any of these would create a climate of peace and would indeed be the "confidence-building gestures" that the world hopes for.

Countless "peace conferences" to settle this festering conflict have taken place. All have ended in failure because of the intransigence of the Arabs. President Clinton, toward the end of his presidency, convened a conference with the late unlamented Yasser Arafat and Ehud Barak, the prime minister of Israel at that time. Mr. Barak offered virtually everything that Arafat had requested, except the partition of Jerusalem and the acceptance of the so-called refugees, their descendants having swollen from the 650,000 who fled the nascent state of Israel during the War of Liberation, to an incredible 5 million. Arafat left in a huff and started his infamous intifada instead, a bloody war that has cost thousands of Palestinian and Israeli lives. Israel is America's staunchest ally and certainly its only true friend in that area of the world. It is in our national interest that reality, not myths, govern our policy.

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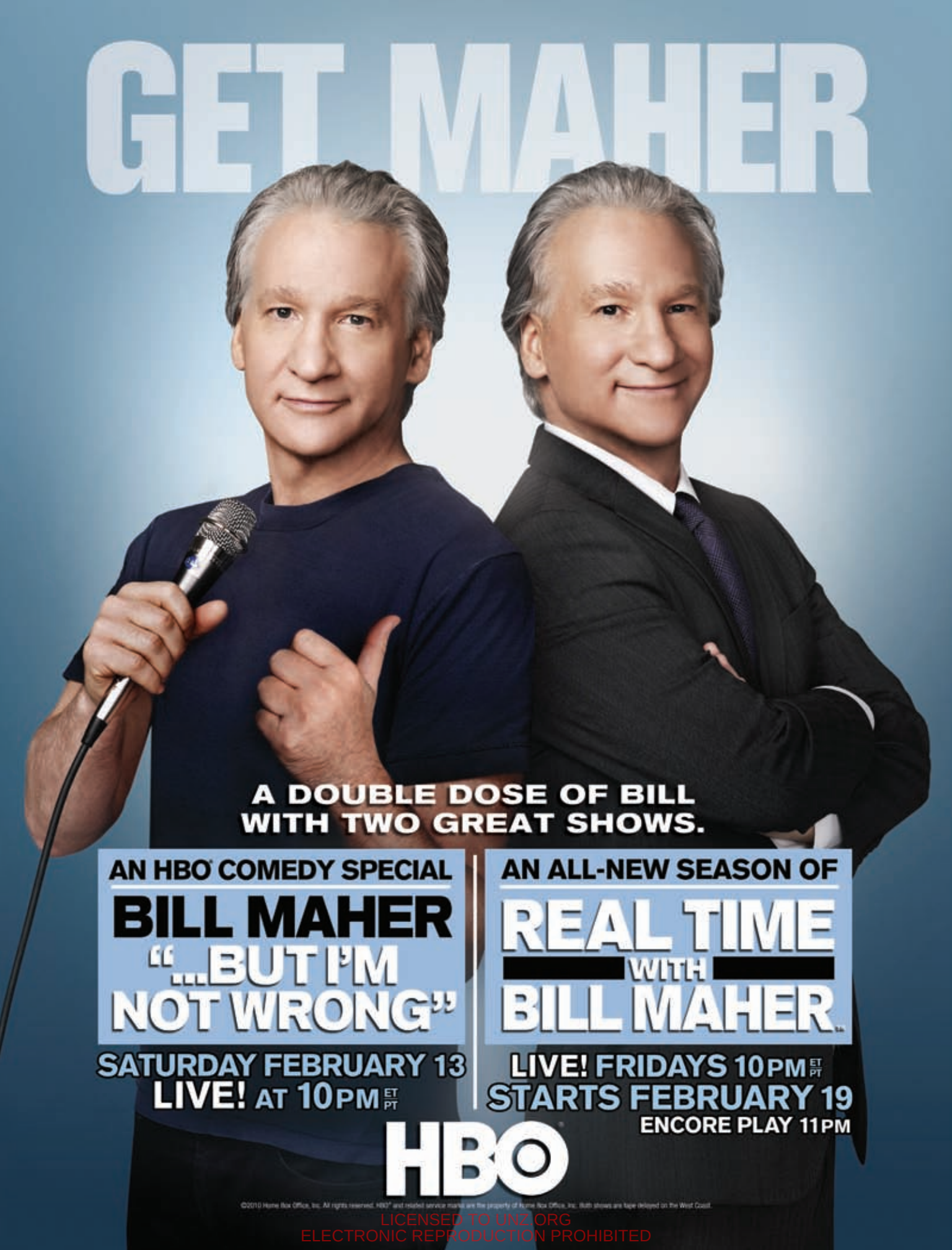
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